



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Amendment 8041

PAG LIN

1 1 Amend Senate File 591, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 12, line 5, by inserting after the word
1 4 <Code> the following: <Supplement>.
1 5 #2. Page 12, line 9, by inserting after the word
1 6 <Code> the following: <Supplement>.
1 7 #3. Page 13, line 8, by inserting after the word
1 8 <Code> the following: <Supplement>.
1 9 #4. Page 13, line 15, by inserting after the word
1 10 <Code> the following: <Supplement>.
1 11 #5. Page 13, line 22, by inserting after the word
1 12 <Code> the following: <Supplement>.
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1 15
1 16 COMMITTEE ON WAYS AND MEANS
1 17 SHOMSHOR of Pottawattamie, Chairperson
1 18 SF 591.301 82
1 19 mg/mg/5621
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2343 - Introduced

HOUSE FILE
BY MAY

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act relating to submission of a DNA sample of a person
- 2 arrested for or convicted of a felony.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6045YH 82
- 5 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2343 - Introduced continued

PAG LIN

1 1 Section 1. Section 81.1, Code 2007, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 0A. "Arrest" means the same as in section
1 4 804.5 and as "taking into custody" in section 232.2.
1 5 NEW SUBSECTION. 0B. "Dismissal of the charges" means
1 6 dismissal of the complaint, indictment, or information in
1 7 adult court and dismissal of the complaint or petition in
1 8 juvenile court.
1 9 Sec. 2. Section 81.1, subsection 8, Code 2007, is amended
1 10 to read as follows:
1 11 8. "Person required to submit a DNA sample" means a person
1 12 convicted, adjudicated delinquent, receiving a deferred
1 13 judgment, or found not guilty by reason of insanity of an
1 14 offense requiring DNA profiling pursuant to section 81.2.
1 15 "Person required to submit a DNA sample" also means a person
1 16 arrested for an offense classified as a felony and a person
1 17 determined to be a sexually violent predator pursuant to
1 18 section 229A.7.
1 19 Sec. 3. Section 81.2, Code Supplement 2007, is amended by
1 20 adding the following new subsection:
1 21 NEW SUBSECTION. 0A. A person arrested for an offense
1 22 classified as a felony shall be required to submit a DNA
1 23 sample for DNA profiling pursuant to section 81.4.
1 24 Sec. 4. Section 81.4, subsection 2, Code 2007, is amended
1 25 to read as follows:
1 26 2. A supervising agency having control, custody, or
1 27 jurisdiction over a person shall collect a DNA sample from a
1 28 person required to submit a DNA sample. The supervising
1 29 agency shall collect a DNA sample, upon admittance to the
1 30 pertinent institution, jail, or facility, of the person
1 31 required to submit a DNA sample or at a determined date and
1 32 time set by the supervising agency. If a person required to
1 33 submit a DNA sample is confined at the time a DNA sample is
1 34 required, the person shall submit a DNA sample as soon as
1 35 practicable. If a person required to submit a DNA sample is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2343 - Introduced continued

2 1 not confined after the person is required to submit a DNA
2 2 sample, the supervising agency shall determine the date and
2 3 time to collect the DNA sample.
2 4 Sec. 5. Section 81.9, subsections 1 and 2, Code 2007, are
2 5 amended to read as follows:
2 6 1. A person whose DNA record has been included in the DNA
2 7 database or DNA data bank established pursuant to section 81.3
2 8 may request, in writing to the division of criminal
2 9 investigation, expungement of the DNA record from the DNA
2 10 database and DNA data bank based upon dismissal of the charges
2 11 which caused the submission of the DNA sample, or the person's
2 12 conviction, adjudication, or civil commitment which caused the
2 13 submission of the DNA sample being reversed on appeal and the
2 14 case dismissed. The written request shall contain a certified
2 15 copy of the final court order dismissing the charges or
2 16 reversing the conviction, adjudication, or civil commitment,
2 17 and a certified copy of the dismissal, and any other
2 18 information necessary to ascertain the validity of the
2 19 request.
2 20 2. The division of criminal investigation, upon receipt of
2 21 a written request that validates the dismissal of the charges,
2 22 or reversal on appeal of a person's conviction, adjudication,
2 23 or commitment, and subsequent dismissal of the case, or upon
2 24 receipt of a written request by a person who voluntarily
2 25 submitted a DNA sample pursuant to section 81.3, subsection 3,
2 26 paragraph "b", shall expunge all of the DNA records and
2 27 identifiable information of the person in the DNA database and
2 28 DNA data bank. However, if the division of criminal
2 29 investigation determines that the person is otherwise
2 30 obligated to submit a DNA sample, the DNA records shall not be
2 31 expunged. If the division of criminal investigation denies an
2 32 expungement request, the division shall notify the person
2 33 requesting the expungement of the decision not to expunge the
2 34 DNA record and the reason supporting its decision. The
2 35 division of criminal investigation decision is subject to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2343 - Introduced continued

3 1 judicial review pursuant to chapter 17A. The department of
3 2 public safety shall adopt rules governing the expungement
3 3 procedure and a review process.

3 4 Sec. 6. NEW SECTION. 81.11 DNA PROFILE == COMPLETION.

3 5 A DNA profile of a person required to submit a DNA sample
3 6 shall be completed within ninety days of the person submitting
3 7 the DNA sample.

3 8 Sec. 7. Section 229A.7, subsection 6, Code 2007, is
3 9 amended to read as follows:

3 10 6. If the court or jury determines that the respondent is
3 11 a sexually violent predator, the court shall order the
3 12 respondent to submit a DNA sample for DNA profiling ~~pursuant~~
~~3 13 to section 81.4~~ if a DNA sample has not been previously
3 14 submitted pursuant to chapter 81.

3 15 Sec. 8. Section 232.52, subsection 10, Code Supplement
3 16 2007, is amended to read as follows:

3 17 10. The court shall order a juvenile adjudicated a
3 18 delinquent for an offense that requires DNA profiling under
3 19 section 81.2 to submit a DNA sample for DNA profiling ~~pursuant~~
~~3 20 to section 81.4~~ if a DNA sample has not been previously
3 21 submitted pursuant to chapter 81.

3 22 Sec. 9. Section 331.653, Code 2007, is amended by adding
3 23 the following new subsection:

3 24 NEW SUBSECTION. 72. Carry out duties relating to
3 25 collecting DNA samples pursuant to section 81.4.

3 26 Sec. 10. Section 901.5, subsection 8A, paragraph a, Code
3 27 2007, is amended to read as follows:

3 28 a. The court shall order ~~DNA profiling of~~ a defendant
3 29 convicted of an offense that requires DNA profiling under
3 30 section 81.2, to submit a DNA sample for DNA profiling if a
3 31 DNA sample has not been previously submitted pursuant to
3 32 chapter 81.

3 33 Sec. 11. Section 906.4, unnumbered paragraph 3, Code 2007,
3 34 is amended to read as follows:

3 35 The board may order the defendant to provide a ~~physical~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

~~House File 2343 — Introduced continued~~

~~4 1 specimen to be DNA sample for DNA profiling if a DNA sample
4 2 has not been submitted for DNA profiling pursuant to chapter
4 3 81 as a condition of parole or work release, if a DNA profile
4 4 has not been previously conducted pursuant to chapter 81. In
4 5 determining the appropriateness of ordering DNA profiling, the
4 6 board shall consider the deterrent effect of DNA profiling,
4 7 the likelihood of repeated offenses by the defendant, and the
4 8 seriousness of the offense.~~

4 9 Sec. 12. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 10 3, shall not apply to this Act.

4 11 EXPLANATION

4 12 This bill expands the number of persons required to submit
4 13 a DNA sample in a criminal proceeding.

4 14 The bill provides that a person arrested for an offense
4 15 classified as a felony shall submit a DNA sample for storage
4 16 in the DNA bank and DNA database maintained by the division of
4 17 criminal investigation of the department of public safety.
4 18 The bill also applies to juveniles taken into custody for an
4 19 offense classified as a felony if committed by an adult.

4 20 Current law requires a person to submit a DNA sample if
4 21 convicted, adjudicated delinquent, receiving a deferred
4 22 judgment, or found not guilty by reason of insanity of an
4 23 offense requiring DNA profiling pursuant to Code section 81.2.

4 24 The bill provides that upon admittance to a county jail,
4 25 the county sheriff shall collect a DNA sample from a person
4 26 arrested for a felony.

4 27 The bill also provides that if the offense which caused the
4 28 submission of a DNA sample is dismissed, the person who
4 29 submitted the DNA sample may file a written request along with
4 30 certified copies of relevant court records to expunge the DNA
4 31 record from the DNA bank and DNA database. Under the bill, if
4 32 the written request validates the dismissal of the charges the
4 33 division of criminal investigation shall expunge the DNA
4 34 record.

4 35 The bill also requires the DNA profile of a person required



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2343 - Introduced continued

5 1 to submit a DNA sample to be completed within 90 days of the
5 2 person submitting the DNA sample.
5 3 The bill may include a state mandate as defined in Code
5 4 section 25B.3. The bill makes inapplicable Code section
5 5 25B.2, subsection 3, which would relieve a political
5 6 subdivision from complying with a state mandate if funding for
5 7 the cost of the state mandate is not provided or specified.
5 8 Therefore, political subdivisions are required to comply with
5 9 any state mandate included in the bill.
5 10 LSB 6045YH 82
5 11 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2344 - Introduced

HOUSE FILE
BY BOAL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act providing for the regulation of pet cemeteries, including
2 the notification of persons when a pet cemetery is closed, and
3 providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6185YH 82
6 da/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2344 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 523J.1 SHORT TITLE.
1 2 This chapter shall be known and may be cited as the "Iowa
1 3 Pet Cemetery Act".
1 4 Sec. 2. NEW SECTION. 523J.2 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Commissioner" means the commissioner of insurance or
1 8 the commissioner's designee.
1 9 2. "Interment rights" means the rights to place the
1 10 remains of a pet in a specific location for use as a final
1 11 resting place or memorial.
1 12 3. a. "Pet" means an animal which is limited to a dog,
1 13 cat, or an animal normally maintained in a small tank or cage
1 14 in or near a residence, including but not limited to a rabbit,
1 15 gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical
1 16 fish, goldfish, snake, turtle, gecko, or iguana.
1 17 b. "Pet" does not include an agricultural animal as
1 18 defined in section 717A.1.
1 19 4. a. "Pet cemetery" means any area dedicated to the
1 20 interment of pets.
1 21 b. "Pet cemetery" does not include any of the following:
1 22 (1) A disposal plant regulated by the department of
1 23 agriculture and land stewardship pursuant to chapter 167.
1 24 (2) A sanitary landfill regulated by the department of
1 25 natural resources pursuant to chapter 455B.
1 26 5. "Pet cemetery operator" or "operator" means a person
1 27 who owns or operates a pet cemetery or has control of pet
1 28 cemetery property, if the person conveys interment rights to a
1 29 member of the public or a segment of the public in return for
1 30 monetary compensation.
1 31 6. "Pet cemetery registry" means the registry established
1 32 pursuant to section 523J.3.
1 33 7. "Remains" means the body of a deceased pet or a body
1 34 part or limb that has been removed from a living pet,
1 35 including a body, body part, or limb in any stage of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2344 - Introduced continued

2 1 decomposition, or cremated remains.
2 2 Sec. 3. NEW SECTION. 523J.3 PET CEMETERY REGISTRY.
2 3 1. The commissioner shall establish and maintain a pet
2 4 cemetery registry of all pet cemeteries which are under the
2 5 control of a pet cemetery operator. The registry shall be a
2 6 record of all pet cemeteries that are doing business in this
2 7 state.
2 8 2. A pet cemetery operator shall register information with
2 9 the commissioner regarding each pet cemetery under the
2 10 operator's control. The operator shall register all
2 11 information required by the commissioner, which may include
2 12 the following:
2 13 a. The name, address, and telephone number of the
2 14 operator.
2 15 b. The name and address of the pet cemetery.
2 16 c. A name, address, and telephone number of a trustee to
2 17 contact in case of closure as provided in section 523J.4.
2 18 Sec. 4. NEW SECTION. 523J.4 PET CEMETERY CLOSURE.
2 19 1. A pet cemetery is closed when its pet cemetery operator
2 20 no longer offers to convey interment rights.
2 21 2. Within thirty days after the date of a pet cemetery's
2 22 closure, the pet cemetery operator shall do all of the
2 23 following:
2 24 a. Notify the commissioner.
2 25 b. Notify each person who was conveyed interment rights.
2 26 3. The pet cemetery operator shall provide for a pet
2 27 cemetery trustee who shall have all legal powers necessary to
2 28 assist a person who was conveyed interment rights to recover
2 29 the remains of their pet. The pet cemetery trustee shall be
2 30 deemed to hold a fiduciary duty for the benefit of a person
2 31 who was conveyed the interment right. The person may seek
2 32 injunctive relief in district court to obtain necessary entry
2 33 into the pet cemetery to recover the remains of their pet.
2 34 Sec. 5. NEW SECTION. 523J.5 PENALTIES.
2 35 A person who violates a provision of this chapter or rules



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2344 - Introduced continued

3 1 adopted or orders issued by the commissioner under this
3 2 chapter is subject to a civil penalty of not more than one
3 3 thousand dollars for each offense. For the purposes of
3 4 computing the amount of each civil penalty, each day of a
3 5 continuing violation constitutes a separate violation. All
3 6 civil penalties collected pursuant to this section shall be
3 7 deposited in the general fund of the state.

3 8 EXPLANATION

3 9 This bill establishes a new Code chapter entitled the "Iowa
3 10 Pet Cemetery Act". The bill provides for regulation of pet
3 11 cemeteries by the commissioner of insurance. It applies to
3 12 those areas dedicated to the interment of certain animals for
3 13 monetary compensation paid to a pet cemetery operator. A pet
3 14 is defined to include dogs, cats, or other animals normally
3 15 maintained in a small tank or cage in or near a residence. It
3 16 does not include agricultural animals. A pet cemetery does
3 17 not apply to businesses associated with rendering dead animals
3 18 or sanitary landfills.

3 19 The bill requires the commissioner of insurance to
3 20 establish and maintain a pet cemetery registry of all pet
3 21 cemeteries that are doing business in this state. The bill
3 22 also provides that within 30 days after a pet cemetery is not
3 23 doing business in this state, the person responsible for
3 24 operating the pet cemetery must notify the commissioner of
3 25 insurance and each person who purchased a right to inter their
3 26 animal there. The operator must also provide for a trustee
3 27 responsible for assisting those persons in recovering the
3 28 remains of their pets. A person may seek injunctive relief in
3 29 district court to obtain necessary entry into the pet
3 30 cemetery.

3 31 The bill provides that a person who violates a provision of
3 32 the bill is subject to a civil penalty of not more than \$1,000
3 33 for each offense.

3 34 LSB 6185YH 82

3 35 da/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2345 - Introduced

HOUSE FILE
BY WHITAKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to the review of subdivision plats and zoning
- 2 changes by a local board of health or a county sanitarian.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6172HH 82
- 5 md/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2345 - Introduced continued

PAG LIN

1 1 Section 1. Section 335.7, Code 2007, is amended to read as
1 2 follows:

1 3 335.7 CHANGES == PROTEST.

1 4 The regulations, restrictions, and boundaries may be
1 5 amended, supplemented, changed, modified, or repealed.
1 6 Notwithstanding section 335.4, as a part of an ordinance
1 7 changing land from one zoning district to another zoning
1 8 district or an ordinance approving a site development plan, a
1 9 board of supervisors may impose conditions on a property owner
1 10 which are in addition to existing regulations if the
1 11 additional conditions have been agreed to in writing by the
1 12 property owner before the public hearing required under this
1 13 section or any adjournment of the hearing. The conditions
1 14 must be reasonable and imposed to satisfy public needs which
1 15 are directly caused by the requested change. The board of
1 16 supervisors shall notify the appropriate reviewing authority
1 17 under section 354.8, subsection 1, if the requested change
1 18 allows the construction of a residential dwelling. In case,
1 19 however, of a protest against the change signed by the owners
1 20 of twenty percent or more either of the area included in the
1 21 proposed change, or of the area immediately adjacent to the
1 22 proposed change and within five hundred feet of the boundaries
1 23 of the proposed change, the amendment shall not become
1 24 effective except by the favorable vote of at least sixty
1 25 percent of all of the members of the board of supervisors.
1 26 The provisions of section 335.6 relative to public hearings
1 27 and official notice shall apply equally to all changes or
1 28 amendments.

1 29 Sec. 2. Section 354.8, Code 2007, is amended to read as
1 30 follows:

1 31 354.8 REVIEW AND APPROVAL BY GOVERNING BODIES.

1 32 1. Prior to approval of a subdivision plat by a governing
1 33 body pursuant to this section, all preliminary or proposed
1 34 subdivision plats that are to be served, in part or entirely,
1 35 by an on-site wastewater treatment and disposal system that



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2345 - Introduced continued

2 1 serves the proposed subdivision shall have been reviewed and
2 2 approved by the local board of health, the county sanitarian,
2 3 or the entity delegated authority by the department of natural
2 4 resources over nonpublic water wells and supplies and on-site
2 5 wastewater treatment systems. In addition to other
2 6 requirements specified by the governing body, approval of a
2 7 wastewater treatment and disposal system is subject to a
2 8 determination that the system is able to accommodate future
2 9 expansion of the proposed subdivision.

2 10 2. a. A proposed subdivision plat lying within the
2 11 jurisdiction of a governing body shall be submitted to that
2 12 governing body for review and approval prior to recording.
2 13 Governing bodies shall apply reasonable standards and
2 14 conditions in accordance with applicable statutes and
2 15 ordinances for the review and approval of subdivisions. The
2 16 governing body, within sixty days of application for final
2 17 approval of the subdivision plat, shall determine whether the
2 18 subdivision conforms to its comprehensive plan and shall give
2 19 consideration to the possible burden on public improvements
2 20 and to a balance of interests between the proprietor, future
2 21 purchasers, and the public interest in the subdivision when
2 22 reviewing the proposed subdivision and when requiring the
2 23 installation of public improvements in conjunction with
2 24 approval of a subdivision. The governing body shall not issue
2 25 final approval of a subdivision plat unless the subdivision
2 26 plat conforms to sections 354.6, 354.11, and 355.8.

2 27 b. If the subdivision plat and all matters related to
2 28 final approval of the subdivision plat conform to the
2 29 standards and conditions established by the governing body,
2 30 and conform to this chapter and chapter 355, the governing
2 31 body, by resolution, shall approve the plat and certify the
2 32 resolution which shall be recorded with the plat. The
2 33 recorder shall refuse to accept a subdivision plat presented
2 34 for recording without a resolution from each applicable
2 35 governing body approving the subdivision plat or waiving the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2345 - Introduced continued

3 1 right to review.
3 2 3. A city may establish jurisdiction to review
3 3 subdivisions or plats of survey outside its boundaries
3 4 pursuant to the provisions of section 354.9. In the case of a
3 5 city, the provisions of this section apply to the review by
3 6 the city of both subdivision plats and plats of survey.
3 7 Sec. 3. Section 414.5, Code 2007, is amended to read as
3 8 follows:
3 9 414.5 CHANGES == PROTEST.
3 10 The regulations, restrictions, and boundaries may, from
3 11 time to time, be amended, supplemented, changed, modified, or
3 12 repealed. Notwithstanding section 414.2, as a part of an
3 13 ordinance changing land from one zoning district to another
3 14 zoning district or an ordinance approving a site development
3 15 plan, a council may impose conditions on a property owner
3 16 which are in addition to existing regulations if the
3 17 additional conditions have been agreed to in writing by the
3 18 property owner before the public hearing required under this
3 19 section or any adjournment of the hearing. The conditions
3 20 must be reasonable and imposed to satisfy public needs which
3 21 are directly caused by the requested change. The council
3 22 shall notify the appropriate reviewing authority under section
3 23 354.8, subsection 1, if the requested change allows the
3 24 construction of a residential dwelling. In case, however, of
3 25 a written protest against a change or repeal which is filed
3 26 with the city clerk and signed by the owners of twenty percent
3 27 or more of the area of the lots included in the proposed
3 28 change or repeal, or by the owners of twenty percent or more
3 29 of the property which is located within two hundred feet of
3 30 the exterior boundaries of the property for which the change
3 31 or repeal is proposed, the change or repeal shall not become
3 32 effective except by the favorable vote of at least
3 33 three-fourths of all the members of the council. The protest,
3 34 if filed, must be filed before or at the public hearing. The
3 35 provisions of section 414.4 relative to public hearings and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2345 - Introduced continued

4 1 official notice apply equally to all changes or amendments.
4 2 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 3 3, shall not apply to this Act.

4 4 EXPLANATION

4 5 This bill relates to the review of subdivision plats by a
4 6 local board of health or a county sanitarian.

4 7 The bill provides that prior to approval of a subdivision
4 8 plat by a governing body, all preliminary or proposed
4 9 subdivision plats that are to be served, in part or entirely,
4 10 by an on-site wastewater treatment and disposal system that
4 11 serves the proposed subdivision shall have been reviewed and
4 12 approved by the local board of health, the county sanitarian,
4 13 or the entity delegated authority by the department of natural
4 14 resources over nonpublic water wells and supplies and on-site
4 15 wastewater treatment systems.

4 16 The bill also requires the governing body to notify the
4 17 appropriate local board of health, county sanitarian, or
4 18 entity delegated authority by the department of natural
4 19 resources if a requested zoning change would allow the
4 20 construction of a residential dwelling.

4 21 The bill may include a state mandate as defined in Code
4 22 section 25B.3. The bill makes inapplicable Code section
4 23 25B.2, subsection 3, which would relieve a political
4 24 subdivision from complying with a state mandate if funding for
4 25 the cost of the state mandate is not provided or specified.
4 26 Therefore, political subdivisions are required to comply with
4 27 any state mandate included in the bill.

4 28 LSB 6172HH 82

4 29 md/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2346 - Introduced

HOUSE FILE
BY WHITAKER

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act creating a special Vietnam veteran motor vehicle
- 2 registration plate, establishing fees, crediting fees to the
- 3 veterans license fee fund, and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6144HH 82
- 6 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2346 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.11, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 10. Vietnam veteran special plates issued
1 4 pursuant to section 321.34, subsection 20C.
1 5 Sec. 2. Section 321.34, Code Supplement 2007, is amended
1 6 by adding the following new subsection:
1 7 NEW SUBSECTION. 20C. VIETNAM VETERAN PLATES. An owner
1 8 referred to in subsection 12 who served on active duty for a
1 9 period of not less than one hundred twenty days in the armed
1 10 forces of the United States at any time between July 1, 1973,
1 11 and May 31, 1975, both dates inclusive, may, upon written
1 12 application to the department, order special registration
1 13 plates with a Vietnam veteran processed emblem. The emblem
1 14 shall be designed by the department in consultation with the
1 15 adjutant general. The special plate fees collected by the
1 16 director under subsection 12, paragraphs "a" and "c", from the
1 17 issuance and annual validation of letter=number designated and
1 18 personalized Vietnam veteran plates shall be paid monthly to
1 19 the treasurer of state and credited to the road use tax fund.
1 20 Notwithstanding section 423.43, and prior to the crediting of
1 21 revenues to the road use tax fund under section 423.43,
1 22 subsection 1, paragraph "b", the treasurer of state shall
1 23 transfer monthly from those revenues to the veterans license
1 24 fee fund created in section 35A.11 the amount of the special
1 25 fees collected under subsection 12, paragraph "a", in the
1 26 previous month for Vietnam veteran plates.
1 27 The surviving spouse of a person who was issued special
1 28 plates under this subsection may continue to use or apply for
1 29 and use the special plates subject to registration of the
1 30 special plates in the surviving spouse's name and upon payment
1 31 of the annual five=dollar special plate fee and the regular
1 32 annual registration fee for the vehicle. If the surviving
1 33 spouse remarries, the surviving spouse shall return the
1 34 special plates to the department and the department shall
1 35 issue regular registration plates to the surviving spouse.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced

HOUSE FILE
BY GASKILL

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act modifying certain filing, request, and notification
- 2 deadline times for elections.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6192HH 82
- 5 sc/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

PAG LIN

1 1 Section 1. Section 43.11, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. For an elective county office, in the office of the
1 4 county commissioner not earlier than ninety-two days nor later
1 5 than ~~five o'clock p.m.~~ the regular close of business on the
1 6 sixty-ninth day before the day fixed for holding the primary
1 7 election.

1 8 Sec. 2. Section 43.23, subsection 2, Code 2007, is amended
1 9 to read as follows:

1 10 2. If a person who has filed nomination papers with the
1 11 commissioner as a candidate in a primary election dies or
1 12 withdraws up to the sixty-seventh day before the primary
1 13 election, the appropriate convention or central committee of
1 14 that person's political party may designate one additional
1 15 primary election candidate for the nomination that person was
1 16 seeking, if the designation is submitted to the commissioner
1 17 in writing by ~~five o'clock p.m.~~ the regular close of business
1 18 on the sixty-third day before the primary election. The name
1 19 of any candidate so submitted shall be placed on the
1 20 appropriate ballot or ballots by the commissioner.

1 21 Sec. 3. Section 43.54, Code 2007, is amended to read as
1 22 follows:

1 23 43.54 RIGHT TO PLACE ON BALLOT.

1 24 Each candidate nominated pursuant to section 43.53 is
1 25 entitled to have the candidate's name printed on the official
1 26 ballot to be voted for at the general election if the
1 27 candidate files an affidavit in the form required by section
1 28 43.67 not later than ~~five o'clock p.m.~~ the regular close of
1 29 business on the seventh day following the completion of the
1 30 canvass.

1 31 Sec. 4. Section 43.67, unnumbered paragraph 1, Code 2007,
1 32 is amended to read as follows:

1 33 Each candidate nominated pursuant to section 43.52 or 43.65
1 34 is entitled to have the candidate's name printed on the
1 35 official ballot to be voted at the general election without



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

2 1 other certificate unless the candidate was nominated by
2 2 write-in votes. Immediately after the completion of the
2 3 canvass held under section 43.49, the ~~county auditor~~
2 4 commissioner shall notify each person who was nominated by
2 5 write-in votes for a county office that the person is required
2 6 to file an affidavit of candidacy if the person wishes to be a
2 7 candidate for that office at the general election. If the
2 8 affidavit is not filed with the commissioner by the regular
2 9 close of business on the seventh day after the completion of
2 10 the canvass, that person's name shall not be placed upon the
2 11 official general election ballot. Immediately after the
2 12 completion of the canvass held under section 43.63, the
2 13 secretary of state shall notify each person who was nominated
2 14 by write-in votes for a state or federal office that the
2 15 person is required to file an affidavit of candidacy if the
2 16 person wishes to be a candidate for that office at the general
2 17 election. If the affidavit is not filed by five p.m. on the
2 18 seventh day after the completion of the canvass, that person's
2 19 name shall not be placed upon the official general election
2 20 ballot. The affidavit shall be signed by the candidate,
2 21 notarized, and filed with the ~~county auditor~~ commissioner or
2 22 the secretary of state, whichever is applicable.
2 23 Sec. 5. Section 43.78, subsection 3, Code 2007, is amended
2 24 to read as follows:
2 25 3. The name of any candidate designated to fill a vacancy
2 26 on the general election ballot in accordance with subsection
2 27 1, paragraph "d", "e", or "f" shall be submitted in writing to
2 28 the commissioner not later than ~~five o'clock p.m.~~ the regular
2 29 close of business on the sixty-ninth day before the date of
2 30 the general election.
2 31 Sec. 6. Section 44.4, unnumbered paragraphs 1 and 3, Code
2 32 2007, are amended to read as follows:
2 33 Nominations made pursuant to this chapter and chapter 45
2 34 which are required to be filed in the office of the state
2 35 commissioner shall be filed in that office not more than



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

3 1 ninety-nine days nor later than five p.m. on the eighty-first
3 2 day before the date of the general election to be held in
3 3 November. Nominations made for a special election called
3 4 pursuant to section 69.14 shall be filed by five p.m. not less
3 5 than twenty-five days before the date of an election called
3 6 upon at least forty days' notice and not less than fourteen
3 7 days before the date of an election called upon at least
3 8 eighteen days' notice. Nominations made for a special
3 9 election called pursuant to section 69.14A shall be filed by
3 10 ~~five p.m.~~ the regular close of business not less than
3 11 twenty-five days before the date of the election. Nominations
3 12 made pursuant to this chapter and chapter 45 which are
3 13 required to be filed in the office of the commissioner shall
3 14 be filed in that office not more than ninety-two days nor
3 15 later than ~~five p.m.~~ the regular close of business on the
3 16 sixty-ninth day before the date of the general election.
3 17 Nominations made pursuant to this chapter or chapter 45 for
3 18 city office shall be filed not more than seventy-two days nor
3 19 later than five p.m. on the forty-seventh day before the city
3 20 election with the city clerk, who shall process them as
3 21 provided by law.
3 22 Objections required to be filed with the state commissioner
3 23 or the city clerk shall be filed no later than five p.m. on
3 24 the final date for filing. Objections required to be filed
3 25 with the commissioner shall be filed no later than the regular
3 26 close of business on the final date for filing.
3 27 Sec. 7. Section 47.6, subsection 1, unnumbered paragraph
3 28 2, Code 2007, is amended to read as follows:
3 29 If the proposed date of the special election coincides with
3 30 the date of a regularly scheduled election or previously
3 31 scheduled special election, the notice shall be given no later
3 32 than ~~five p.m.~~ the regular close of business on the last day
3 33 on which nomination papers may be filed with the commissioner
3 34 for the regularly scheduled election or previously scheduled
3 35 special election, but in no case shall notice be less than



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

4 1 thirty-two days before the election. Otherwise, the notice
4 2 shall be given at least thirty-two days in advance of the date
4 3 of the proposed special election. Upon receiving the notice,
4 4 the commissioner shall promptly give written approval of the
4 5 proposed date unless it appears that the special election, if
4 6 held on that date, would conflict with a regular election or
4 7 with another special election previously scheduled for that
4 8 date.

4 9 Sec. 8. Section 48A.9, Code Supplement 2007, is amended to
4 10 read as follows:

4 11 48A.9 VOTER REGISTRATION DEADLINES.

4 12 1. Registration closes at ~~five p.m.~~ the regular close of
4 13 business eleven days before each election except primary and
4 14 general elections. For primary and general elections,
4 15 registration closes at ~~five p.m.~~ the regular close of business
4 16 ten days before the election. An eligible elector may
4 17 register during the time registration is closed in the
4 18 elector's precinct but the registration shall not become
4 19 effective until registration opens again in the elector's
4 20 precinct, except as otherwise provided in section 48A.7A.

4 21 2. The commissioner's office shall be open from eight a.m.
4 22 until at least ~~five p.m.~~ the regular close of business on the
4 23 day registration closes before each regularly scheduled
4 24 election. However, if the last day to register to vote for a
4 25 regularly scheduled election falls on the day after
4 26 Thanksgiving, the deadline shall be the regular close of
4 27 business the following Monday.

4 28 3. A registration form submitted by mail shall be
4 29 considered on time if it is postmarked no later than the
4 30 fifteenth day before the election, even if it is received by
4 31 the commissioner after the deadline, or if the registration
4 32 form is received by the commissioner no later than ~~five p.m.~~
4 33 the regular close of business on the last day to register to
4 34 vote for an election, even if it is postmarked after the
4 35 fifteenth day before the election.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

5 1 4. Registration forms submitted to voter registration
5 2 agencies, to motor vehicle driver's license stations, and to
5 3 county treasurer's offices participating in county issuance of
5 4 driver's licenses under chapter 321M shall be considered on
5 5 time if they are received no later than five p.m. on the day
5 6 registration closes for that election. Offices or agencies
5 7 ~~other than the county commissioner's office~~ are not required
5 8 to be open for voter registration purposes at times other than
5 9 their usual office hours. Offices or agencies other than the
5 10 county commissioner's office are not required to be open for
5 11 voter registration purposes on days other than their usual
5 12 days of business.

5 13 Sec. 9. Section 49.41, subsection 1, paragraph b, Code
5 14 Supplement 2007, is amended to read as follows:

5 15 b. If the nomination papers for all offices for which the
5 16 candidate has been nominated are required to be filed with the
5 17 ~~same state~~ commissioner of elections, the candidate shall file
5 18 a written notice with ~~that~~ the state commissioner no later
5 19 than five p.m. on the final date upon which nomination papers
5 20 may be filed for the election. If the nomination papers for
5 21 all offices for which the candidate has been nominated are
5 22 required to be filed with the county commissioner of
5 23 elections, the candidate shall file a written notice with the
5 24 county commissioner no later than the regular close of
5 25 business on the final date upon which nomination papers may be
5 26 filed for the election. The notice shall state the office for
5 27 which the person wishes to appear on the ballot. If the
5 28 required notice is not filed, the candidate's name shall not
5 29 be certified by the state commissioner for any office for
5 30 which nomination papers are filed with the state commissioner
5 31 and the county commissioner of elections shall not include the
5 32 candidate's name on the ballot for any office in any county.

5 33 Sec. 10. Section 49.58, unnumbered paragraph 2, Code 2007,
5 34 is amended to read as follows:

5 35 Each candidate for that office whose name appeared on the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

6 1 general election ballot shall also be a candidate for the
6 2 office in the special election, except that the deceased
6 3 candidate's political party may designate another candidate in
6 4 substantially the manner provided by section 43.78 for filling
6 5 vacancies on the general election ballot. However, a
6 6 political party which did not have a candidate on the general
6 7 election ballot for the office in question may similarly
6 8 designate a candidate for that office in the special election.
6 9 The name of any replacement or additional candidate so
6 10 designated shall be submitted in writing to the state
6 11 commissioner, ~~or the commissioner in the case of a candidate~~
~~6 12 for county supervisor,~~ not later than five o'clock p.m. on the
6 13 first Tuesday after the date of the general election or, in
6 14 the case of a candidate for county supervisor, to the
6 15 commissioner not later than the regular close of business on
6 16 the first Tuesday after the date of the general election. No
6 17 other candidate whose name did not appear on the general
6 18 election ballot as a candidate for the office in question
6 19 shall be placed on the ballot for the special election, in any
6 20 manner. The special election shall be held and canvassed in
6 21 the manner prescribed by law for the general election.
6 22 Sec. 11. Section 50.48, subsection 1, unnumbered paragraph
6 23 1, Code Supplement 2007, is amended to read as follows:
6 24 The county board of canvassers shall order a recount of the
6 25 votes cast for a particular office or nomination in one or
6 26 more specified election precincts in that county if a written
6 27 request ~~therefor~~ for a recount is made not later than ~~five~~
~~6 28 o'clock p.m.~~ the regular close of business on the third day
6 29 following the county board's canvass of the election in
6 30 question. The request shall be filed with the commissioner of
6 31 that county, or with the commissioner responsible for
6 32 conducting the election if section 47.2, subsection 2 is
6 33 applicable, and shall be signed by either of the following:
6 34 Sec. 12. Section 53.2, subsection 1, paragraph b, Code
6 35 Supplement 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

7 1 b. A registered voter may make written application to the
7 2 commissioner for an absentee ballot. A written application
7 3 for an absentee ballot must be received by the commissioner no
7 4 later than ~~five p.m.~~ the regular close of business on the
7 5 Friday before the election. A written application for an
7 6 absentee ballot delivered to the commissioner and received by
7 7 the commissioner more than seventy days prior to the date of
7 8 the election shall be retained by the commissioner and
7 9 processed in the same manner as a written application received
7 10 not more than seventy days before the date of the election.

7 11 Sec. 13. Section 53.2, subsection 8, Code Supplement 2007,
7 12 is amended to read as follows:

7 13 8. An application for an absentee ballot that is returned
7 14 to the commissioner by a person acting as an actual or implied
7 15 agent for a political party, candidate, or committee, all as
7 16 defined by chapter 68A, shall be returned to the commissioner
7 17 within seventy-two hours of the time the completed application
7 18 was received from the applicant or no later than ~~five p.m.~~ the
7 19 regular close of business on the Friday before the election,
7 20 whichever is earlier.

7 21 Sec. 14. Section 53.3, subsection 6, Code 2007, is amended
7 22 to read as follows:

7 23 6. A statement that the application will be delivered to
7 24 the appropriate commissioner within seventy-two hours of the
7 25 date and time the completed application was received from the
7 26 applicant or no later than ~~five p.m.~~ the regular close of
7 27 business on the Friday before the election, whichever is
7 28 earlier.

7 29 Sec. 15. Section 53.11, subsection 2, Code Supplement
7 30 2007, is amended to read as follows:

7 31 2. A petition requesting a satellite absentee voting
7 32 station must be filed by the following deadlines:

7 33 a. For a primary or general election, no later than ~~five~~
7 34 ~~p.m.~~ the regular close of business on the forty-seventh day
7 35 before the election.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

8 1 b. For the regular city election or a city primary
8 2 election, no later than ~~five p.m.~~ the regular close of
8 3 business on the thirtieth day before the election.

8 4 c. For a city runoff election, no later than ~~five p.m.~~ the
8 5 regular close of business on the twenty-first day before the
8 6 election.

8 7 d. For the regular school election, no later than ~~five~~
~~8 8 p.m.~~ the regular close of business on the thirtieth day before
8 9 the election.

8 10 e. For a special election, no later than ~~thirty-two days~~
8 11 the regular close of business on the thirty-second day before
8 12 the special election.

8 13 Sec. 16. Section 53.18, subsection 2, Code Supplement
8 14 2007, is amended to read as follows:

8 15 2. If the commissioner receives the return carrier
8 16 envelope containing the completed absentee ballot by ~~five p.m.~~
8 17 the regular close of business on the Saturday before the
8 18 election for general and primary elections and by ~~five p.m.~~
8 19 the regular close of business on the Friday before the
8 20 election for all other elections, the commissioner shall open
8 21 the envelope to review the affidavit for any deficiencies. If
8 22 the affidavit contains a deficiency that would cause the
8 23 ballot to be rejected, the commissioner shall, within
8 24 twenty-four hours of the time the envelope was received,
8 25 notify the voter of that fact and that the voter may correct
8 26 the deficiency by ~~five p.m.~~ the regular close of business on
8 27 the day before the election.

8 28 Sec. 17. Section 53.31, subsection 1, Code Supplement
8 29 2007, is amended to read as follows:

8 30 1. Any person qualified to vote at the election in
8 31 progress may challenge the qualifications of a person casting
8 32 an absentee ballot by submitting a written challenge to the
8 33 commissioner no later than ~~five p.m.~~ the regular close of
8 34 business on the Friday before the election. It is the duty of
8 35 the special precinct officials to challenge the absentee



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

9 1 ballot of any person whom the official knows or suspects is
9 2 not duly qualified. Challenges by members of the special
9 3 precinct election board or observers present pursuant to
9 4 section 53.23 may be made at any time before the close of the
9 5 polls on election day. The challenge shall state the reasons
9 6 for which the challenge is being submitted and shall be signed
9 7 by the challenger. When a challenge is received the absentee
9 8 ballot shall be set aside for consideration by the special
9 9 precinct election board when it meets as required by section
9 10 50.22.

9 11 Sec. 18. Section 69.12, subsection 1, paragraph b,
9 12 unnumbered paragraph 1, Code 2007, is amended to read as
9 13 follows:

9 14 Nomination papers on behalf of candidates for a vacant
9 15 office to be filled pursuant to paragraph "a" of this
9 16 subsection shall be filed, in the form and manner prescribed
9 17 by applicable law, by ~~five p.m.~~ the regular close of business
9 18 on:

9 19 Sec. 19. Section 161A.5, subsection 3, unnumbered
9 20 paragraph 2, Code 2007, is amended to read as follows:

9 21 The signed petitions shall be filed with the county
9 22 commissioner of elections not later than ~~five p.m.~~ the regular
9 23 close of business on the sixty-ninth day before the general
9 24 election. The votes for the office of district commissioner
9 25 shall be canvassed in the same manner as the votes for county
9 26 officers, and the returns shall be certified to the
9 27 commissioners of the district. A plurality is sufficient to
9 28 elect commissioners, and a primary election for the office
9 29 shall not be held. If the canvass shows that the two
9 30 candidates receiving the highest and the second highest number
9 31 of votes for the office of district commissioner are both
9 32 residents of the same township, the board shall certify as
9 33 elected the candidate who received the highest number of votes
9 34 for the office and the candidate receiving the next highest
9 35 number of votes for the office who is not a resident of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

10 1 same township as the candidate receiving the highest number of
10 2 votes.

10 3 Sec. 20. Section 260C.15, subsection 3, Code 2007, is
10 4 amended to read as follows:

10 5 3. Nomination papers in behalf of candidates for member of
10 6 the board of directors of a merged area shall be filed with
10 7 the secretary of the board not earlier than sixty=five days
10 8 nor later than five o'clock p.m. on the fortieth day prior to
10 9 the election at which members of the board are to be elected.
10 10 The secretary shall deliver all nomination petitions so filed,
10 11 together with the text of any public measure being submitted
10 12 by the board of directors to the electorate, to the county
10 13 commissioner of elections who is responsible under section
10 14 47.2 for conducting elections held for the merged area, not
10 15 later than ~~five o'clock p.m.~~ the regular close of business on
10 16 the day following the last day on which nomination petitions
10 17 can be filed. That commissioner shall certify the names of
10 18 candidates, and the text and summary of any public measure
10 19 being submitted to the electorate, to all county commissioners
10 20 of elections in the merged area by the thirty=fifth day prior
10 21 to the election.

10 22 Sec. 21. Section 275.25, subsection 1, unnumbered
10 23 paragraph 1, Code 2007, is amended to read as follows:

10 24 If the proposition to establish a new school district
10 25 carries under the method provided in this chapter, the area
10 26 education agency administrator with whom the petition was
10 27 filed shall give written notice of a proposed date for a
10 28 special election for directors of the newly formed school
10 29 district to the commissioner of elections of the county in the
10 30 district involved in the reorganization which has the greatest
10 31 taxable base. The proposed date shall be as soon as possible
10 32 pursuant to section 39.2, subsections 1 and 2, and section
10 33 47.6, subsections 1 and 2, but not later than the third
10 34 Tuesday in January of the calendar year in which the
10 35 reorganization takes effect. The election shall be conducted



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

11 1 as provided in section 277.3, and nomination petitions shall
11 2 be filed pursuant to section 277.4, except as otherwise
11 3 provided in this subsection. Nomination petitions shall be
11 4 filed with the secretary of the board of the existing school
11 5 district in which the candidate resides not less than
11 6 twenty-eight days before the date set for the special school
11 7 election. The secretary of the board, or the secretary's
11 8 designee, shall be present in the secretary's office until
11 9 five p.m. on the final day to file the nomination papers. The
11 10 nomination papers shall be delivered to the commissioner no
11 11 later than ~~five p.m.~~ the regular close of business on the
11 12 twenty-seventh day before the election.

11 13 Sec. 22. Section 277.4, unnumbered paragraph 4, Code 2007,
11 14 is amended to read as follows:

11 15 The secretary of the school board shall accept the petition
11 16 for filing if on its face it appears to have the requisite
11 17 number of signatures and if it is timely filed. The secretary
11 18 of the school board shall note upon each petition and
11 19 affidavit accepted for filing the date and time that the
11 20 petition was filed. The secretary of the school board shall
11 21 deliver all nomination petitions, together with the complete
11 22 text of any public measure being submitted by the board to the
11 23 electorate, to the county commissioner of elections not later
11 24 than ~~five o'clock p.m.~~ the regular close of business on the
11 25 day following the last day on which nomination petitions can
11 26 be filed.

11 27 Sec. 23. Section 376.4, unnumbered paragraph 7, Code 2007,
11 28 is amended to read as follows:

11 29 The city clerk shall deliver all nomination petitions
11 30 together with the text of any public measure being submitted
11 31 by the city council to the electorate to the county
11 32 commissioner of elections not later than ~~five o'clock p.m.~~ the
11 33 regular close of business on the day following the last day on
11 34 which nomination petitions can be filed.

11 35 Sec. 24. Section 376.11, subsections 3, 4, and 5, Code



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

12 1 Supplement 2007, is amended to read as follows:

12 2 3. In city primary elections any person who receives
12 3 write-in votes shall execute an affidavit in substantially the
12 4 form required by section 45.3, and file it with the county
12 5 commissioner of elections not later than the regular close of
12 6 business, or with the city clerk not later than five o'clock
12 7 p.m., on the day after the canvass of the primary election.
12 8 If any person who received write-in votes fails to file the
12 9 affidavit at the time required, the county commissioner shall
12 10 disregard the write-in votes cast for that person. A notation
12 11 shall be made on the abstract of votes showing which persons
12 12 who received write-in votes filed affidavits. The total
12 13 number of votes cast for each office on the ballot shall be
12 14 amended by subtracting the write-in votes of those candidates
12 15 who failed to file the affidavit. It is not necessary for a
12 16 candidate whose name was printed upon the ballot to file an
12 17 affidavit. Of the remaining candidates, those who receive the
12 18 highest number of votes to the extent of twice the number of
12 19 unfilled positions shall be placed on the ballot for the
12 20 regular city election as candidates for that office.

12 21 4. In cities in which the city council has chosen a runoff
12 22 election in lieu of a primary, if a person who was elected by
12 23 write-in votes chooses not to accept the office by filing a
12 24 resignation notice with the ~~city clerk or~~ commissioner of
12 25 elections not later than the regular close of business, or
12 26 with the city clerk not later than five o'clock p.m., on the
12 27 day following the canvass, all remaining persons who received
12 28 write-in votes and who wish to be considered candidates for
12 29 the runoff election shall execute an affidavit in
12 30 substantially the form required by section 45.3 and file it
12 31 with the county commissioner not later than the regular close
12 32 of business, or with the city clerk not later than five
12 33 o'clock p.m., of the fourth day following the canvass. If a
12 34 person receiving write-in votes fails to file the affidavit at
12 35 the time required, the county commissioner of elections shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2347 - Introduced continued

13 1 disregard the write-in votes cast for that person. The
13 2 abstract of votes shall be amended to show that the person who
13 3 was declared elected declined the office and a notation shall
13 4 be made next to the names of those persons who did not file
13 5 the affidavit. A runoff election shall be held with the
13 6 remaining candidates who have the highest number of votes to
13 7 the extent of twice the number of unfilled positions.
13 8 5. In a city in which the council has chosen a runoff
13 9 election, if no person was declared elected for an office all
13 10 persons who received write-in votes shall execute an affidavit
13 11 in substantially the form required by section 45.3 and file it
13 12 with the county commissioner of elections not later than the
13 13 regular close of business, or with the city clerk not later
13 14 than five o'clock p.m., on the day following the canvass of
13 15 votes. If any person who received write-in votes fails to
13 16 file the affidavit the county commissioner of elections shall
13 17 disregard the write-in votes cast for that person. The
13 18 abstract of votes shall be amended to note which of the
13 19 write-in candidates failed to file the affidavit. A runoff
13 20 election shall be held with the remaining candidates who have
13 21 the highest number of votes to the extent of twice the number
13 22 of unfilled positions.

13 23 EXPLANATION

13 24 This bill modifies filing, request, and notification
13 25 deadline times for certain candidates and for certain other
13 26 matters relating to elections by changing the deadline for
13 27 filing with the county commissioner of elections from 5:00
13 28 p.m. to the regular close of business for that commissioner's
13 29 office. The bill affects the filing of nomination petitions
13 30 and affidavits of candidacy, designation of candidates to fill
13 31 ballot vacancies, objections to candidacy, notices of special
13 32 elections and the text of special election questions, voter
13 33 registration deadlines, requests for a recount, request and
13 34 return of absentee ballot applications, requests for satellite
13 35 absentee voting stations, matters relating to notification of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2347 - Introduced continued

14 1 and correction of deficiencies on affidavit envelopes
14 2 containing completed absentee ballots, and challenges to voter
14 3 qualifications.
14 4 The bill does not change the filing deadline times of
14 5 election documents that are required to be filed with the
14 6 state commissioner of elections, the city clerk, or the
14 7 secretary of a school district board or merged area board.
14 8 LSB 6192HH 82
14 9 sc/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2348 - Introduced

HOUSE FILE
BY HUNTER

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

1 An Act to increase the state minimum hourly wage by the same
2 percentage as the increase in federal social security
3 benefits.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5933HH 82
6 kh/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2348 - Introduced continued

PAG LIN

1 1 Section 1. Section 91D.1, subsection 1, paragraphs a and
1 2 b, Code Supplement 2007, are amended to read as follows:
1 3 a. The state hourly wage shall be at least \$6.20 as of
1 4 April 1, 2007, and \$7.25 as of January 1, 2008. The state
1 5 hourly wage, including the state hourly wage for the first
1 6 ninety calendar days of employment provided in paragraph "d",
1 7 shall be increased annually on July 1 by the same percentage
1 8 as the cost-of-living increase in federal social security
1 9 benefits authorized in the previous fiscal year by the federal
1 10 social security administration pursuant to section 215 of the
1 11 federal Social Security Act, 42 U.S.C. } 415.

1 12 b. Every employer, as defined in the federal Fair Labor
1 13 Standards Act of 1938, as amended to January 1, ~~2007~~ 2008,
1 14 shall pay to each of the employer's employees, as defined in
1 15 the federal Fair Labor Standards Act of 1938, as amended to
1 16 January 1, ~~2007~~ 2008, the state hourly wage stated in
1 17 paragraph "a", or the current federal minimum wage, pursuant
1 18 to 29 U.S.C. } 206, as amended, whichever is greater.

1 19 EXPLANATION

1 20 This bill increases the state minimum hourly wage,
1 21 including the minimum hourly wage established for employees
1 22 employed for less than 90 days, annually on July 1 by the same
1 23 percentage as the cost-of-living increase in social security
1 24 benefits authorized in the previous fiscal year by the federal
1 25 social security administration.

1 26 The bill also updates a reference to federal Fair Labor
1 27 Standards Act of 1938 by providing that every employer, as
1 28 defined in the Act as amended to January 1, 2008, rather than
1 29 January 1, 2007, must pay to every employee, as defined by the
1 30 Act, the state hourly wage or the current federal minimum
1 31 wage, whichever is greater.

1 32 LSB 5933HH 82

1 33 kh/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2349 - Introduced

HOUSE FILE
BY ABDUL=SAMAD

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act relating to the use of certain wireless communication
- 2 devices by motor vehicle operators and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6038HH 82
- 5 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2349 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.363A USE OF WIRELESS
1 2 COMMUNICATION DEVICES RESTRICTED.
1 3 1. A person shall not operate or use a cellular telephone
1 4 or other wireless communication device while operating a motor
1 5 vehicle on a highway unless the person uses a headset or
1 6 hands-free adapter to operate or use the telephone or
1 7 communication device.
1 8 2. This section does not apply to the use of a handheld
1 9 cellular telephone or other handheld wireless communication
1 10 device to call 911 or to contact law enforcement authorities
1 11 or an emergency response agency in an emergency situation.
1 12 3. This section does not apply when the motor vehicle is
1 13 at a complete stop off the roadway.
1 14 4. A person who violates this section commits a simple
1 15 misdemeanor, punishable as a scheduled violation under section
1 16 805.8A, subsection 6, paragraph "e".
1 17 Sec. 2. Section 805.8A, subsection 6, Code 2007, is
1 18 amended by adding the following new paragraph:
1 19 NEW PARAGRAPH. e. For violations under section 321.363A,
1 20 the scheduled fines are as follows:
1 21 (1) If the violation is a first offense, the scheduled
1 22 fine is twenty-five dollars.
1 23 (2) If the violation is a second or subsequent offense
1 24 committed within one year of the first offense, the scheduled
1 25 fine is fifty dollars.
1 26 EXPLANATION
1 27 This bill prohibits the driver of a motor vehicle from
1 28 operating or using a cellular telephone or other wireless
1 29 communication device without using a headset or hands-free
1 30 adapter while operating a motor vehicle on a highway. An
1 31 exception is allowed for emergency situations when the use of
1 32 a handheld phone or device is to call 911 or contact law
1 33 enforcement authorities or an emergency response agency. In
1 34 addition, the bill does not prohibit a driver from using any
1 35 cellular telephone or other wireless communication device when



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2349 - Introduced continued

2 1 the motor vehicle is at a complete stop off the roadway.
2 2 The bill establishes a scheduled fine of \$25 as the penalty
2 3 for a violation. However, if the person commits a second or
2 4 subsequent violation within one year, the scheduled fine is
2 5 \$50.
2 6 LSB 6038HH 82
2 7 dea/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2350 - Introduced

HOUSE FILE
BY MAY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act exempting from the individual income tax federal
- 2 retirement pay received for military service and including
- 3 effective and applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6126HH 82
- 6 mg/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2350 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code Supplement 2007, is amended
1 2 by adding the following new subsection:

1 3 NEW SUBSECTION. 31A. a. Subtract, to the extent
1 4 included, retirement pay received from the federal government
1 5 for military service performed in the armed forces, armed
1 6 forces military reserve, or national guard.

1 7 b. The exclusion of retirement benefits under this
1 8 subsection is in addition to any exclusion provided under
1 9 subsection 31.

1 10 Sec. 2. EFFECTIVE AND APPLICABILITY DATE. This Act takes
1 11 effect January 1, 2010, and applies to tax years beginning on
1 12 or after that date.

1 13 EXPLANATION

1 14 This bill provides for the exclusion of retirement benefits
1 15 from federal military service in the armed forces, military
1 16 reserve, or national guard. The exemption is in addition to
1 17 the general pension exclusions.

1 18 The bill takes effect January 1, 2010, and applies to tax
1 19 years beginning on or after that date.

1 20 LSB 6126HH 82

1 21 mg/sc/14.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2351 - Introduced

HOUSE FILE
BY WISE, PETERSEN, and
T. OLSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act relating to certain economic development programs by
2 providing tax credits for the redevelopment of underutilized
3 properties and by clarifying the meaning of an eligible
4 business, and including effective date and retroactive
5 applicability date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 6094YH 82
8 tw/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2351 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.291, Code 2007, is amended to read
1 2 as follows:

1 3 15.291 DEFINITIONS.

1 4 As used in this part, unless the context otherwise
1 5 requires:

1 6 1. "Brownfield site" means an abandoned, idled, or
1 7 underutilized industrial or commercial facility where
1 8 expansion or redevelopment is complicated by real or perceived
1 9 environmental contamination. A brownfield site includes
1 10 property contiguous with the property on which the individual
1 11 or commercial facility is located. A brownfield site ~~shall~~
1 12 does not include property which has been placed, or is
1 13 proposed to be included for placement, on the national
1 14 priorities list established pursuant to the federal
1 15 Comprehensive Environmental Response, Compensation, and
1 16 Liability Act, 42 U.S.C. } 9601 et seq.

1 17 2. "Council" means the brownfield redevelopment advisory
1 18 council established in section 15.294.

1 19 3. "Grayfield site" means a property that has been
1 20 developed and has infrastructure in place but whose current
1 21 use is outdated or prevents a better or more efficient use of
1 22 the property. Grayfield site includes vacant, blighted,
1 23 obsolete, or otherwise underutilized industrial or commercial
1 24 property.

1 25 4. "Green development" means a brownfield or grayfield
1 26 site which has been redeveloped or improved such that the
1 27 property meets the voluntary performance standards for new
1 28 construction or existing buildings of the United States green
1 29 building council's leadership in energy and environmental
1 30 design green building rating system.

1 31 5. "Qualifying investment" means the purchase price, the
1 32 cleanup costs, and the redevelopment costs directly related to
1 33 a qualifying redevelopment project.

1 34 6. "Qualifying redevelopment project" means a brownfield
1 35 or a grayfield site being redeveloped or improved by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2351 - Introduced continued

2 1 property owner. Qualifying redevelopment project does not
2 2 include a previously remediated or redeveloped brownfield
2 3 site.

2 4 ~~2.~~ 7. "Sponsorship" means an agreement between a city or
2 5 county and an applicant for assistance under the brownfield
2 6 redevelopment program where the city or county agrees to offer
2 7 assistance or guidance to the applicant.

2 8 Sec. 2. NEW SECTION. 15.293A REDEVELOPMENT TAX CREDITS.

2 9 1. a. A redevelopment tax credit shall be allowed against
2 10 the taxes imposed in chapter 422, divisions II, III, and V,
2 11 and in chapter 432, and against the moneys and credits tax
2 12 imposed in section 533.329, for a portion of a taxpayer's
2 13 equity investment, as provided in subsection 2, in a
2 14 qualifying redevelopment project.

2 15 b. An individual may claim a tax credit under this
2 16 subsection of a partnership, limited liability company, S
2 17 corporation, estate, or trust electing to have income taxed
2 18 directly to the individual. The amount claimed by the
2 19 individual shall be based upon the pro rata share of the
2 20 individual's earnings from the partnership, limited liability
2 21 company, S corporation, estate, or trust.

2 22 c. Any tax credit in excess of the taxpayer's liability
2 23 for the tax year is not refundable but may be credited to the
2 24 tax liability for the following five years or until depleted,
2 25 whichever is earlier. A tax credit shall not be carried back
2 26 to a tax year prior to the tax year in which the taxpayer
2 27 first receives the tax credit.

2 28 2. The amount of the tax credit shall equal one of the
2 29 following:

2 30 a. Twenty percent of the taxpayer's qualifying investment
2 31 in a grayfield site.

2 32 b. Twenty-five percent of the taxpayer's qualifying
2 33 investment in a grayfield site if the qualifying redevelopment
2 34 project meets the requirements of a green development.

2 35 c. Forty percent of the taxpayer's qualifying investment



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2351 - Introduced continued

3 1 in a brownfield site.

3 2 d. Fifty percent of the taxpayer's qualifying investment
3 3 in a brownfield site if the qualifying redevelopment project
3 4 meets the requirements of a green development.

3 5 3. For purposes of individual and corporate income taxes
3 6 and the franchise tax, the increase in the basis of the
3 7 redeveloped property that would otherwise result from the
3 8 qualified redevelopment costs shall be reduced by the amount
3 9 of the credit computed under this part.

3 10 4. The maximum amount of a tax credit for a qualifying
3 11 investment in any one qualifying redevelopment project shall
3 12 not exceed twenty percent of the maximum amount of tax credits
3 13 available in any one fiscal year pursuant to subsection 5.

3 14 5. For the fiscal year beginning July 1, 2008, the maximum
3 15 amount of tax credits issued by the department shall not
3 16 exceed three million dollars. For the fiscal year beginning
3 17 July 1, 2009, the maximum amount of tax credits issued by the
3 18 department shall not exceed six million dollars. For the
3 19 fiscal year beginning July 1, 2010, and for every fiscal year
3 20 thereafter, the maximum amount of tax credits issued by the
3 21 department shall not exceed ten million dollars.

3 22 6. An investment shall be deemed to have been made on the
3 23 date the qualifying redevelopment project is completed. An
3 24 investment made prior to January 1, 2008, shall not qualify
3 25 for a tax credit under this part.

3 26 7. The department shall develop a system for registration
3 27 and authorization of tax credits authorized pursuant to this
3 28 part and shall control distribution of all tax credits
3 29 distributed to investors pursuant to this part.

3 30 8. The department shall develop rules for the
3 31 qualification of qualifying redevelopment projects and
3 32 qualifying investments. The department of revenue shall adopt
3 33 these criteria as administrative rules and shall adopt any
3 34 other rules pursuant to chapter 17A necessary for the
3 35 administration of this part.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2351 - Introduced continued

4 1 9. The department may cooperate with the department of
4 2 natural resources and local governments in an effort to
4 3 disseminate information regarding the availability of tax
4 4 credits for investments in qualifying redevelopment projects
4 5 under this part.
4 6 Sec. 3. NEW SECTION. 15.293B APPROVAL == REQUIREMENTS ==
4 7 REPAYMENT.
4 8 1. An investor seeking to claim a tax credit pursuant to
4 9 section 15.293A shall apply to the council which shall have
4 10 the power to approve the amount of tax credit available for
4 11 each qualifying redevelopment project.
4 12 2. An investor applying for a tax credit shall provide the
4 13 council with all of the following:
4 14 a. Information showing the total costs of the qualifying
4 15 redevelopment project, including the costs of land
4 16 acquisition, cleanup, and redevelopment.
4 17 b. Information about the financing sources of the
4 18 investment which are directly related to the qualifying
4 19 redevelopment project for which the taxpayer is seeking
4 20 approval for a tax credit, as provided in section 15.293A.
4 21 3. If a taxpayer receives a tax credit pursuant to section
4 22 15.293A, but fails to comply with any of the requirements, the
4 23 taxpayer loses any right to the tax credit, and the department
4 24 of revenue shall seek recovery of the value of the credit
4 25 received.
4 26 Sec. 4. Section 15.294, Code 2007, is amended by adding
4 27 the following new subsection:
4 28 NEW SUBSECTION. 4. The council shall consider
4 29 applications for redevelopment tax credits as described in
4 30 sections 15.293A and 15.293B, and the council may approve the
4 31 amount of such tax credits for qualifying investments in
4 32 qualifying redevelopment projects.
4 33 Sec. 5. Section 15.329, subsection 1, paragraph b, Code
4 34 2007, is amended to read as follows:
4 35 b. The business, or the business's successors or assigns,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2351 - Introduced continued

5 1 has not closed or substantially reduced its operation in one
5 2 ~~area of the state~~ community and relocated substantially the
5 3 same operation in ~~the~~ another community. A business is not
5 4 eligible to receive incentives under this part if it is
5 5 closing, or has closed, or is reducing, or has reduced, its
5 6 operations in one city or county and is relocating, or has
5 7 relocated, substantially the same operation to any other city
5 8 or county. This subsection does not prohibit a business from
5 9 expanding its operation in the community if existing
5 10 operations of a similar nature in the state are not closed or
5 11 substantially reduced.

5 12 Sec. 6. NEW SECTION. 422.11V REDEVELOPMENT TAX CREDIT.

5 13 The taxes imposed under this division, less the credits
5 14 allowed under section 422.12, shall be reduced by a
5 15 redevelopment tax credit allowed under chapter 15, part 9.

5 16 Sec. 7. Section 422.33, Code Supplement 2007, is amended
5 17 by adding the following new subsection:

5 18 NEW SUBSECTION. 25. The taxes imposed under this division
5 19 shall be reduced by a redevelopment tax credit allowed under
5 20 chapter 15, part 9.

5 21 Sec. 8. Section 422.60, Code Supplement 2007, is amended
5 22 by adding the following new subsection:

5 23 NEW SUBSECTION. 15. The taxes imposed under this division
5 24 shall be reduced by a redevelopment tax credit allowed under
5 25 chapter 15, part 9.

5 26 Sec. 9. NEW SECTION. 432.12L REDEVELOPMENT TAX CREDIT.

5 27 The taxes imposed under this chapter shall be reduced by a
5 28 redevelopment tax credit allowed under chapter 15, part 9.

5 29 Sec. 10. Section 533.329, subsection 2, Code Supplement
5 30 2007, is amended by adding the following new paragraph:

5 31 NEW PARAGRAPH. n. The moneys and credits tax imposed
5 32 under this section shall be reduced by a redevelopment tax
5 33 credit allowed under chapter 15, part 9.

5 34 Sec. 11. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

5 35 This Act, being deemed of immediate importance, takes effect



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2351 - Introduced continued

6 1 upon enactment and applies retroactively to January 1, 2008,
6 2 for tax years beginning on or after that date.

6 3 EXPLANATION

6 4 This bill relates to the redevelopment of underused
6 5 industrial and commercial properties, the use or development
6 6 of which is sometimes complicated by real or perceived
6 7 contamination or by a lack of an economic incentive to
6 8 redevelop. These properties are often referred to as
6 9 "brownfield" or "grayfield" sites.

6 10 The bill creates a two-tiered system of tax credits for
6 11 these sites. An investor who redevelops a grayfield site is
6 12 eligible for a tax credit in an amount equal to 20 percent of
6 13 that investor's qualifying investment. An investor in a
6 14 brownfield site is eligible for a tax credit for an amount
6 15 equal to 40 percent. If the investor redevelops the property
6 16 to meet the standards of certain "green" development
6 17 certification programs, additional tax credits are available.
6 18 Brownfield sites meeting the green development standards are
6 19 eligible for an additional 10 percent tax credit and grayfield
6 20 sites are eligible for an additional 5 percent.

6 21 The bill limits the amount of tax credits available. For
6 22 the fiscal year beginning July 1, 2008, the limit is \$3
6 23 million. For the fiscal year beginning July 1, 2009, the
6 24 limit is \$6 million. For the fiscal year beginning July 1,
6 25 2010, and for each fiscal year thereafter, the limit is \$10
6 26 million.

6 27 The bill authorizes the department of economic development
6 28 to adopt rules for the issuance of tax credits and provides
6 29 that the brownfield redevelopment advisory council approve the
6 30 amount of each tax credit issued.

6 31 Finally, the bill clarifies the meaning of eligible
6 32 business in Code section 15.329 which defines which businesses
6 33 are eligible for incentives under the high quality job
6 34 creation Act.

6 35 The bill takes effect upon enactment and applies



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2351 - Introduced continued

7 1 retroactively to January 1, 2008, for tax years beginning on
7 2 or after that date.
7 3 LSB 6094YH 82
7 4 tw/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2352 - Introduced

HOUSE FILE
BY REICHERT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act providing for a property tax credit for certain apartment
2 buildings and rental units meeting certification requirements
3 for designation as a green building, making an appropriation,
4 and including an effective and applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 6146HH 82
7 rn/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2352 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 425B.1 GREEN APARTMENT OR RENTAL
1 2 UNIT BUILDING PROPERTY TAX CREDIT FUND.

1 3 There is created as a permanent fund in the office of the
1 4 treasurer of state a fund to be known as the green apartment
1 5 or rental unit building property tax credit fund. For the
1 6 purposes of establishing and maintaining this fund, for each
1 7 fiscal year there is appropriated from the general fund of the
1 8 state and deposited into the green apartment or rental unit
1 9 building property tax credit fund an amount sufficient to
1 10 implement this chapter.

1 11 Sec. 2. NEW SECTION. 425B.2 DEFINITIONS.

1 12 As used in this chapter, unless the context otherwise
1 13 requires:

1 14 1. "Apartment building" means the land and building used
1 15 primarily for human habitation and containing three or more
1 16 separate living quarters, as well as structures and
1 17 improvements used primarily as a part of or in conjunction
1 18 with such land and building. "Apartment building" does not
1 19 include a hotel, motel, inn, or other building where rooms are
1 20 usually rented for less than one month, a nursing home, or a
1 21 rest home.

1 22 2. "Department" means the department of public safety.

1 23 3. "Duplex" means the land and building used primarily for
1 24 human habitation and containing two separate living quarters,
1 25 as well as structures and improvements used primarily as a
1 26 part of or in conjunction with such land and building.

1 27 4. "Energy star designation" means qualification pursuant
1 28 to a joint program of the United States environmental
1 29 protection agency and the United States department of energy
1 30 certifying appliances and homes which meet specified energy
1 31 efficiency guidelines.

1 32 5. "Green apartment or rental unit building" means one of
1 33 the following building classifications which, either through
1 34 renovation or new construction, meets the LEED silver rating
1 35 standard of the United States green building council, the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2352 - Introduced continued

2 1 energy star designation, a high energy efficiency score based
2 2 upon the HERS index, or one or more other standards or
2 3 designations as established by the department by rule:
2 4 a. A nonowner=occupied single=family residence or duplex.
2 5 b. A duplex in which one of the two units is
2 6 owner=occupied.
2 7 c. An apartment building.
2 8 6. "HERS index" means a home energy rating system score
2 9 established by the residential energy services network in
2 10 which a home is compared to the energy specifications of a
2 11 reference home and assigned an energy efficiency score.
2 12 7. "LEED silver rating standard" means the United States
2 13 green building council leadership in energy and environmental
2 14 design rating standard for green buildings, referred to as the
2 15 silver standard.
2 16 8. "Property owner" or "owner" means the owner or owners
2 17 of property, as shown by the transfer books in the office of
2 18 the county auditor of the county in which the property is
2 19 located.
2 20 9. "Rental unit" means a duplex or nonowner=occupied
2 21 single=family residence.
2 22 Sec. 3. NEW SECTION. 425B.3 WHERE CREDIT GIVEN ==
2 23 APPORTIONMENT == PAYMENT.
2 24 1. The green apartment or rental unit building property
2 25 tax credit fund shall be apportioned each year so as to give a
2 26 credit against the tax levied on fifteen percent of the
2 27 assessed valuation of a single=family residence or
2 28 nonowner=occupied duplex, twenty percent of the assessed
2 29 valuation of a duplex in which one of the two units is
2 30 owner=occupied and which qualifies for the homestead tax
2 31 credit pursuant to sections 425.1 through 425.15, and thirty
2 32 percent of the assessed valuation of an apartment.
2 33 2. The director of the department of administrative
2 34 services shall issue warrants on the green apartment or rental
2 35 unit building property tax credit fund payable under this



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2352 - Introduced continued

3 1 chapter to the county treasurer of the several counties of the
3 2 state. The amount due each county shall be paid in two
3 3 payments on November 15 and March 15 of each fiscal year,
3 4 drawn upon warrants payable to the respective county
3 5 treasurers. The two payments shall be as nearly equal as
3 6 possible.

3 7 3. The amount of credits shall be apportioned by each
3 8 county treasurer to the several taxing districts as provided
3 9 by law, in the same manner as though the amount of the credit
3 10 had been paid by the owner. However, the several taxing
3 11 districts shall not draw the funds so credited until after the
3 12 semiannual allocations have been received by the county
3 13 treasurer, as provided in this chapter. Each county treasurer
3 14 shall show on each tax receipt the amount received from the
3 15 green apartment or rental unit building property tax credit
3 16 fund.

3 17 4. The green apartment or rental unit building property
3 18 tax credit allowed in this chapter shall not exceed the actual
3 19 amount of taxes payable on a green apartment or rental unit
3 20 building, exclusive of any special assessments levied against
3 21 the building.

3 22 Sec. 4. NEW SECTION. 425B.4 CLAIM FOR CREDIT.

3 23 1. A claim for credit shall be made on claim forms
3 24 prescribed by the department of revenue and made available by
3 25 the county assessor of the county in which the green apartment
3 26 or rental unit building is located. In addition to the
3 27 completed claim form, the owner shall supply a legible copy of
3 28 a green building property tax credit eligibility certificate
3 29 obtained from the department of public safety. The claim
3 30 shall be filed not later than July 1 of the year for which the
3 31 owner is claiming the credit. A claim filed after July 1 of
3 32 the year for which the person is claiming the credit shall be
3 33 considered as a claim filed for the following year.

3 34 2. Upon the filing and allowance of the claim, the claim
3 35 shall be allowed on the green apartment or rental unit



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2352 - Introduced continued

4 1 building each year that the building receives certification or
4 2 recertification pursuant to section 425B.5 without further
4 3 filing as long as the building continues to be legally or
4 4 equitably owned by the owner. If the building is sold, the
4 5 credit for the period after the sale which would have been
4 6 allowable under this chapter to the prior owner had the
4 7 building not been sold shall be allowable to the new owner. A
4 8 tax credit for the year of sale shall be allocated between the
4 9 parties on the basis of the number of days during such year
4 10 that the building was owned by each.

4 11 Sec. 5. NEW SECTION. 425B.5 GREEN APARTMENT OR RENTAL
4 12 UNIT BUILDING ELIGIBILITY CERTIFICATE.

4 13 1. Prior to submitting a claim for a green apartment or
4 14 rental unit building property tax credit, an owner shall
4 15 obtain from an architect or professional engineer licensed to
4 16 practice in this state, a local building department inspector,
4 17 or a local contractor, certified in green building
4 18 construction methodologies identified by the department
4 19 pursuant to section 425B.2, subsection 5, a completed green
4 20 apartment or rental unit building eligibility certificate.

4 21 2. The eligibility certificate shall consist of a
4 22 certificate, under seal, that the building with respect to
4 23 which the credit is claimed is a green apartment or rental
4 24 unit building. The initial eligibility certification shall be
4 25 made in accordance with the standards and guidelines in effect
4 26 at the time the property which is the basis for the credit was
4 27 renovated or newly constructed in a form and in a manner as
4 28 prescribed by the department by rule, and shall set forth the
4 29 specific findings upon which the certification was based.
4 30 Eligibility certification obtained annually thereafter shall
4 31 be made in accordance with the standards and guidelines in
4 32 effect at the time the property which is the basis for the
4 33 credit is recertified.

4 34 3. The eligibility certificate shall include sufficient
4 35 information to identify the building subject to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2352 - Introduced continued

5 1 certificate, and such other information as the department
5 2 shall require. An eligibility certificate must be renewed on
5 3 an annual basis pursuant to the same certification procedure
5 4 as applicable to initial certification. The owner shall file
5 5 with the department, on an annual basis, a copy of each
5 6 eligibility certificate obtained. An owner obtaining an
5 7 eligibility certificate shall be entitled to advertise an
5 8 apartment or rental unit as being a certified green apartment
5 9 or rental unit building.

5 10 Sec. 6. NEW SECTION. 425B.6 COMPUTATION BY AUDITOR.

5 11 1. The credit, if allowed, shall be computed by the county
5 12 auditor on or before August 1 of each year for which a green
5 13 apartment or rental unit building shall be eligible in an
5 14 amount equal to the tax levied on the applicable percentage of
5 15 the property's assessed valuation. On or before August 1, the
5 16 auditor shall certify the total amount of the credits to the
5 17 department of revenue.

5 18 2. A person whose claim for a green apartment or rental
5 19 unit building property tax credit is denied may file an appeal
5 20 with the department within sixty days from the date of denial
5 21 pursuant to the provisions of chapter 17A.

5 22 Sec. 7. NEW SECTION. 425B.7 RULES.

5 23 1. The department of public safety, with assistance from
5 24 the department of natural resources, shall adopt rules
5 25 adopting standards for a building to qualify as a green
5 26 apartment or rental unit building. The department of public
5 27 safety and the department of revenue shall adopt additional
5 28 rules necessary to administer this chapter.

5 29 Sec. 8. EFFECTIVE AND APPLICABILITY DATES. This Act,
5 30 being deemed of immediate importance, takes effect upon
5 31 enactment and applies to property taxes due and payable in
5 32 fiscal years beginning on or after July 1, 2008.

5 33 EXPLANATION

5 34 This bill provides a property tax credit for green
5 35 apartment or rental unit buildings. The bill creates a green



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2352 - Introduced continued

6 1 apartment or rental unit building property tax credit fund,
6 2 and provides for a standing unlimited annual appropriation
6 3 from the general fund of the state to the green apartment or
6 4 rental unit building property tax credit fund in an amount
6 5 sufficient to pay the green apartment or rental unit building
6 6 property tax credits.

6 7 The credit shall consist of an amount computed against the
6 8 assessed valuation of a single-family residence or
6 9 nonowner-occupied duplex, a duplex in which one of the units
6 10 is owner-occupied, or an apartment, as defined in the bill,
6 11 equal to 15, 20, and 30 percent of the assessed value
6 12 respectively, and shall continue on an ongoing basis provided
6 13 that annual recertification is obtained. The bill specifies
6 14 procedures regarding transferring the credit to a successor
6 15 owner, claiming the credit, obtaining a green apartment or
6 16 rental unit building eligibility certificate from the
6 17 department of public safety on an annual basis, submitting a
6 18 certificate completed by a professional certified in green
6 19 building construction with the claim to the department of
6 20 revenue, and filing a copy with the department of public
6 21 safety.

6 22 The bill provides that the department of public safety,
6 23 with assistance from the department of natural resources,
6 24 shall adopt rules adopting standards for a building to qualify
6 25 as a green apartment or rental unit building. The bill
6 26 further provides that the department of revenue shall adopt
6 27 additional rules necessary to administer the bill's
6 28 provisions.

6 29 The bill takes effect upon enactment and applies to
6 30 property taxes due and payable in fiscal years beginning on or
6 31 after July 1, 2008.

6 32 LSB 6146HH 82

6 33 rn/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced

HOUSE FILE
BY WHITAKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act relating to offenses against identity, by specifying a
2 procedure to secure credit information, providing for the
3 notification of a breach in the security of computerized data,
4 and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5421YH 82
7 rn/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 SECURITY FREEZE
1 3 Section 1. NEW SECTION. 714F.1 DEFINITIONS.
1 4 For the purposes of this chapter, unless the context
1 5 otherwise requires:
1 6 1. "Consumer" means an individual.
1 7 2. "Consumer report" means any information relating to the
1 8 creditworthiness of a consumer.
1 9 3. "Consumer reporting agency" means any person or entity
1 10 engaged in the practice of assembling or evaluating consumer
1 11 credit information for the purpose of furnishing a consumer
1 12 report to a third party. A consumer reporting agency shall
1 13 not include any of the following:
1 14 a. A check service or fraud prevention service company
1 15 that reports on incidents of fraud or issues authorizations
1 16 for the purpose of approving or processing negotiable
1 17 instruments, electronic fund transfers, or similar methods of
1 18 payment.
1 19 b. A deposit account information service company that
1 20 issues reports regarding account closures due to fraud,
1 21 overdrafts, automated teller machine abuse, or similar
1 22 negative information regarding a consumer to inquiring
1 23 financial institutions for use only in reviewing the
1 24 consumer's request for a deposit account at the inquiring
1 25 financial institution.
1 26 c. Any person or entity engaged in the practice of
1 27 assembling and merging information contained in a database of
1 28 one or more consumer reporting agencies and does not maintain
1 29 a permanent database of credit information from which new
1 30 consumer reports are produced.
1 31 4. "Identification information" means as defined in
1 32 section 715A.8.
1 33 5. "Identity theft" means as used in section 715A.8.
1 34 6. "Proper identification" means sufficient identification
1 35 information to ascertain that individual's identity.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced continued

2 1 7. "Security freeze" means a hold placed on a consumer
2 2 report that prevents a consumer reporting agency from
2 3 releasing a consumer report without first obtaining the
2 4 consumer's express authorization.
2 5 Sec. 2. NEW SECTION. 714F.2 SECURITY FREEZE.
2 6 A consumer may submit by certified mail to a consumer
2 7 reporting agency a written request for a security freeze. The
2 8 consumer must submit proper identification with the request.
2 9 Within five business days after receiving the request, the
2 10 consumer reporting agency shall commence the security freeze.
2 11 Within ten business days after commencing the security freeze,
2 12 the consumer reporting agency shall send a written
2 13 confirmation to the consumer of the security freeze, a
2 14 personal identification number or password, other than the
2 15 consumer's social security number, for the consumer to use in
2 16 authorizing the suspension or removal of the security freeze,
2 17 including information on how the security freeze may be
2 18 temporarily suspended.
2 19 Sec. 3. NEW SECTION. 714F.3 TEMPORARY SUSPENSION.
2 20 A consumer may request that a security freeze be
2 21 temporarily suspended to allow the consumer reporting agency
2 22 to release the consumer report for a specific time period or
2 23 to a specific third party. The consumer reporting agency may
2 24 develop procedures to expedite the receipt and processing of
2 25 requests which may involve the use of telephones, facsimile
2 26 transmissions, the internet, or other electronic media. The
2 27 consumer reporting agency shall comply with the request within
2 28 three business days after receiving the request. The
2 29 consumer's request shall include all of the following:
2 30 1. Proper identification.
2 31 2. The personal identification number or password provided
2 32 by the consumer reporting agency.
2 33 3. Explicit instructions of the specific time period or
2 34 specific third party designated for suspension of the security
2 35 freeze.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced continued

3 1 Sec. 4. NEW SECTION. 714F.4 REMOVAL.
3 2 A security freeze remains in effect until the consumer
3 3 requests that the security freeze be removed. A consumer
3 4 reporting agency shall remove a security freeze within three
3 5 business days after receiving a request for removal that
3 6 includes proper identification of the consumer and the
3 7 personal identification number or password provided by the
3 8 consumer reporting agency.
3 9 Sec. 5. NEW SECTION. 714F.5 FEES.
3 10 1. A consumer reporting agency shall not charge any fee to
3 11 a consumer who is the victim of identity theft for
3 12 effectuating a security freeze, temporary suspension, or
3 13 removal if with the initial security freeze request, the
3 14 consumer submits a valid copy of the police report,
3 15 investigative report, or complaint filed with a law
3 16 enforcement agency concerning the unlawful use of
3 17 identification information by another person.
3 18 2. A consumer reporting agency may charge a fee not to
3 19 exceed ten dollars to a consumer who is not the victim of
3 20 identity theft for each security freeze, removal, or for
3 21 reissuing a personal identification number or password if the
3 22 consumer fails to retain the original number. The consumer
3 23 reporting agency may charge a fee not to exceed twelve dollars
3 24 for each temporary suspension of a security freeze.
3 25 Sec. 6. NEW SECTION. 714F.6 THIRD PARTIES.
3 26 If a third party requests a consumer report that is subject
3 27 to a security freeze, the consumer reporting agency may advise
3 28 the third party that a security freeze is in effect. If the
3 29 consumer does not expressly authorize the third party to have
3 30 access to the consumer report through a temporary suspension
3 31 of the security freeze, the third party shall not be given
3 32 access to the consumer report but may treat a credit
3 33 application as incomplete.
3 34 Sec. 7. NEW SECTION. 714F.7 MISREPRESENTATION OF FACT.
3 35 A consumer reporting agency may suspend or remove a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced continued

4 1 security freeze upon a material misrepresentation of fact by
4 2 the consumer. However, the consumer reporting agency shall
4 3 notify the consumer in writing prior to suspending or removing
4 4 the security freeze.

4 5 Sec. 8. NEW SECTION. 714F.8 EXCEPTIONS.

4 6 A security freeze shall not apply to the following persons
4 7 or entities:

4 8 1. A person or person's subsidiary, affiliate, agent, or
4 9 assignee with which the consumer has or prior to assignment
4 10 had an account, contract, or debtor=creditor relationship for
4 11 the purposes of reviewing the account or collecting the
4 12 financial obligation owing for the account, contract, or debt,
4 13 or extending credit to a consumer with a prior or existing
4 14 account, contract, or debtor=creditor relationship.

4 15 "Reviewing the account" includes activities related to account
4 16 maintenance, monitoring, credit line increases, and account
4 17 upgrades and enhancements.

4 18 2. A subsidiary, affiliate, agent, assignee, or
4 19 prospective assignee of a person to whom access has been
4 20 granted under a temporary suspension for purposes of
4 21 facilitating the extension of credit or another permissible
4 22 use.

4 23 3. A person acting pursuant to a court order, warrant, or
4 24 subpoena.

4 25 4. Child support enforcement officials when investigating
4 26 a child support case pursuant to Title IV=D or Title XIX of
4 27 the federal Social Security Act.

4 28 5. The department of human services or its agents or
4 29 assignees acting to investigate fraud under the medical
4 30 assistance program.

4 31 6. The department of revenue or local taxing authorities;
4 32 or any of their agents or assignees, acting to investigate or
4 33 collect delinquent taxes or assessments, including interest
4 34 and penalties and unpaid court orders, or to fulfill any of
4 35 their other statutory or other responsibilities.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced continued

5 1 7. A person's use of credit information for prescreening
5 2 as provided by the federal Fair Credit Reporting Act.
5 3 8. A person for the sole purpose of providing a credit
5 4 file monitoring subscription service to which the consumer has
5 5 subscribed.
5 6 9. A consumer reporting agency for the sole purpose of
5 7 providing a consumer with a copy of the consumer's consumer
5 8 report upon the consumer's request.
5 9 Sec. 9. NEW SECTION. 714F.9 WRITTEN CONFIRMATION.
5 10 After a security freeze is in effect, a consumer reporting
5 11 agency may post a name, date of birth, social security number,
5 12 or address change in a consumer report provided written
5 13 confirmation is sent to the consumer within thirty days of
5 14 posting the change. For an address change, written
5 15 confirmation shall be sent to both the new and former
5 16 addresses. Written confirmation is not required to correct
5 17 spelling and typographical errors.
5 18 Sec. 10. NEW SECTION. 714F.10 APPLICATION.
5 19 An entity listed in section 714F.1, subsection 3, paragraph
5 20 "a", "b", or "c", shall be subject to a security freeze
5 21 commenced by a consumer reporting agency that obtains
5 22 information from such entity.
5 23 Sec. 11. NEW SECTION. 714F.11 WAIVER VOID.
5 24 A waiver by a consumer of the provisions of this chapter is
5 25 contrary to public policy, and is void and unenforceable.
5 26 Sec. 12. NEW SECTION. 714F.12 ENFORCEMENT.
5 27 A person who violates this chapter violates section 714.16,
5 28 subsection 2, paragraph "a". All powers conferred upon the
5 29 attorney general to accomplish the objectives and carry out
5 30 the duties prescribed in section 714.16 are also conferred
5 31 upon the attorney general to enforce this chapter, including
5 32 but not limited to the power to issue subpoenas, adopt rules,
5 33 and seek injunctive relief and a monetary award for civil
5 34 penalties, attorney fees, and costs. Additionally, the
5 35 attorney general may seek and recover the greater of five



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced continued

6 1 hundred dollars or actual damages for each customer injured by
6 2 a violation of this chapter.

6 3 DIVISION II

6 4 BREACH OF SECURITY

6 5 Sec. 13. NEW SECTION. 715C.1 DEFINITIONS.

6 6 As used in this chapter, unless the context otherwise
6 7 requires:

6 8 1. "Breach of security" means unauthorized acquisition of
6 9 computerized data maintained by a person that materially
6 10 compromises the security, confidentiality, or integrity of
6 11 personal information maintained by the person. Good faith
6 12 acquisition of personal information by a person or that
6 13 person's employee or agent for a legitimate purpose of that
6 14 person is not a breach of security, provided that the personal
6 15 information is not used in violation of applicable law or in a
6 16 manner that harms or poses an actual threat to the security,
6 17 confidentiality, or integrity of the personal information.

6 18 2. "Consumer" means an individual who is a resident of
6 19 this state.

6 20 3. "Consumer reporting agency" means the same as defined
6 21 by the federal Fair Credit Reporting Act, 15 U.S.C. } 1681a.

6 22 4. "Debt" means the same as provided in section 537.7102.

6 23 5. "Encryption" means the use of an algorithmic process to
6 24 transform data into a form in which the data is rendered
6 25 unreadable or unusable without the use of a confidential
6 26 process or key.

6 27 6. "Extension of credit" means the right to defer payment
6 28 of debt or to incur debt and defer its payment offered or
6 29 granted primarily for personal, family, or household purposes.

6 30 7. "Financial institution" means the same as defined in
6 31 section 536C.2, subsection 6.

6 32 8. "Identity theft" means the same as provided in section
6 33 715A.8.

6 34 9. "Payment card" means the same as defined in section
6 35 715A.10, subsection 3, paragraph "b".



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced continued

7 1 10. "Person" means an individual; corporation; business
7 2 trust; estate; trust; partnership; limited liability company;
7 3 association; joint venture; government; governmental
7 4 subdivision, agency, or instrumentality; public corporation;
7 5 or any other legal or commercial entity.
7 6 11. "Personal information" means the same as
7 7 "identification information" as defined in section 715A.8,
7 8 when not rendered unusable through encryption, redaction, or
7 9 other methods, or when encrypted and the encryption key has
7 10 also been acquired, if the information obtained would be
7 11 sufficient to permit a person to commit identity theft against
7 12 the consumer whose information was compromised. "Personal
7 13 information" does not include publicly available information
7 14 that is lawfully made available to the general public from
7 15 federal, state, or local government records.
7 16 12. "Redacted" means altered or truncated so that no more
7 17 than the last four digits of a social security number or other
7 18 numbers designated in section 715A.8, subsection 1, paragraph
7 19 "a", is accessible as part of the data.
7 20 Sec. 14. NEW SECTION. 715C.2 SECURITY BREACH == CONSUMER
7 21 NOTIFICATION == REMEDIES.
7 22 1. Any person who owns, maintains, or otherwise possesses
7 23 data that includes a consumer's personal information that is
7 24 used in the course of the person's business, vocation,
7 25 occupation, or volunteer activities and who was subject to a
7 26 breach of security shall give notice of the breach of security
7 27 following discovery of such breach of security, or receipt of
7 28 notification under subsection 2, to any consumer whose
7 29 personal information was included in the information that was
7 30 breached. The consumer notification shall be made in the most
7 31 expeditious manner possible and without unreasonable delay,
7 32 consistent with the legitimate needs of law enforcement as
7 33 provided in subsection 3, and consistent with any measures
7 34 necessary to sufficiently determine contact information for
7 35 the affected consumers, determine the scope of the breach, and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced continued

8 1 restore the reasonable integrity, security, and
8 2 confidentiality of the data.
8 3 2. Any person who maintains or otherwise possesses
8 4 personal information on behalf of another person shall notify
8 5 the owner or licensor of the information of any breach of
8 6 security immediately following discovery of such breach of
8 7 security if a consumer's personal information was included in
8 8 the information that was breached.
8 9 3. The consumer notification requirements of this section
8 10 may be delayed if a law enforcement agency determines that the
8 11 notification will impede a criminal investigation and the
8 12 agency has made a written request that the notification be
8 13 delayed. The notification required by this section shall be
8 14 made after the law enforcement agency determines that the
8 15 notification will not compromise the investigation and
8 16 notifies the person required to give notice in writing.
8 17 4. For purposes of this section, notification to the
8 18 consumer may be provided by one of the following methods:
8 19 a. Written notice.
8 20 b. Electronic notice if the person's customary method of
8 21 communication with the consumer is by electronic means or is
8 22 consistent with the provisions regarding electronic records
8 23 and signatures set forth in chapter 554D and the federal
8 24 Electronic Signatures in Global and National Commerce Act, 15
8 25 U.S.C. } 7001.
8 26 c. Telephone notice, provided that the contact is made
8 27 directly with the affected consumer.
8 28 d. Substitute notice, if the person demonstrates that the
8 29 cost of providing notice would exceed two hundred fifty
8 30 thousand dollars, that the affected class of consumers to be
8 31 notified exceeds three hundred fifty thousand persons, or if
8 32 the person does not have sufficient contact information to
8 33 provide notice. Substitute notice shall consist of the
8 34 following:
8 35 (1) Electronic mail notice when the person has an



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced continued

9 1 electronic mail address for the affected consumers.
9 2 (2) Conspicuous posting of the notice or a link to the
9 3 notice on the internet web site of the person if the person
9 4 maintains an internet web site.
9 5 (3) Notification to major statewide media.
9 6 5. Notice pursuant to this section shall include, at a
9 7 minimum, all of the following:
9 8 a. A description of the breach of security.
9 9 b. The approximate date of the breach of security.
9 10 c. The type of personal information obtained as a result
9 11 of the breach of security.
9 12 d. Contact information for consumer reporting agencies,
9 13 and advice and an offer of assistance in remedying credit
9 14 problems resulting from the breach of security.
9 15 e. Advice to the consumer to report suspected incidents of
9 16 identity theft to law enforcement, including the Federal Trade
9 17 Commission.
9 18 6. If a person discovers a breach of security affecting
9 19 more than one thousand consumers that requires disclosure
9 20 pursuant to this section, the person shall notify, without
9 21 unreasonable delay, all consumer reporting agencies that
9 22 compile and maintain reports on consumers on a nationwide
9 23 basis of the timing, distribution, and content of the
9 24 notification given by the person to the consumers. In no case
9 25 shall a person that is required to make a notification to
9 26 consumers pursuant to this section delay any notification in
9 27 order to make the notification to the consumer reporting
9 28 agencies. The person shall include the police report number,
9 29 if available, in its notification to the consumer reporting
9 30 agencies.
9 31 7. Notwithstanding subsection 1, notification is not
9 32 required if, after an appropriate investigation or after
9 33 consultation with the relevant federal, state, or local
9 34 agencies responsible for law enforcement, the person
9 35 determined that no reasonable likelihood of harm to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced continued

10 1 consumers whose personal information has been acquired has
10 2 resulted or will result from the breach. Such a determination
10 3 must be documented in writing and the documentation must be
10 4 maintained for five years.

10 5 8. This section does not apply to any of the following:

10 6 a. A person who complies with notification requirements or
10 7 breach of security procedures that provide greater protection
10 8 to personal information and at least as thorough disclosure
10 9 requirements than that provided by this section pursuant to
10 10 the rules, regulations, procedures, guidance, or guidelines
10 11 established by the person's primary or functional federal
10 12 regulator.

10 13 b. A person who complies with a state or federal law that
10 14 provides greater protection to personal information and at
10 15 least as thorough disclosure requirements for breach of
10 16 security or personal information than that provided by this
10 17 section.

10 18 c. A person who is subject to and complies with
10 19 regulations promulgated pursuant to Title V of the
10 20 Gramm=Leach=Bliley Act of 1999, 15 U.S.C. } 6801 == 6809.

10 21 9. a. A person injured by a violation of this section may
10 22 bring a civil action for an injunction, actual damages,
10 23 attorney fees, interest, and court costs.

10 24 b. The attorney general may bring an action on behalf of
10 25 an injured person for an injunction, actual damages incurred
10 26 by the person, attorney fees, interest, and court costs.

10 27 c. The rights and remedies available under this section
10 28 are cumulative to each other and to any other rights and
10 29 remedies available under the law.

10 30 EXPLANATION

10 31 This bill concerns the protection of a person's identity.

10 32 The bill creates new Code chapter 714F that allows an
10 33 individual, the consumer, to place a hold on the individual's
10 34 consumer report to prevent a consumer reporting agency from
10 35 releasing any information relating to the individual's



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2353 - Introduced continued

11 1 creditworthiness without first obtaining the individual's
11 2 express authorization. This "security freeze" may be
11 3 temporarily suspended to allow a consumer reporting agency to
11 4 release a consumer report for a specific time period or to a
11 5 specific third party. A security freeze remains in effect
11 6 until the individual requests its removal.

11 7 The bill provides that a consumer reporting agency cannot
11 8 charge any fees to an individual who is the victim of identify
11 9 theft. Other individuals pay a fee up to \$10 per security
11 10 freeze, removal, or for reissuing a necessary password if the
11 11 individual fails to retain it, and up to \$12 per temporary
11 12 suspension request.

11 13 The bill addresses third parties that seek a consumer
11 14 report, misrepresentation of a material fact by an individual,
11 15 and lists exceptions to the security freeze, including a
11 16 person with a prior debtor-creditor relationship. The bill
11 17 provides for changes in the consumer report and makes certain
11 18 entities also subject to a security freeze.

11 19 The bill provides that a waiver of the protection offered
11 20 by the security freeze provision is void and unenforceable.

11 21 The bill contains enforcement provisions. A violation of
11 22 new Code chapter 714F is an offense under Code section 714.16
11 23 and is subject to enforcement, including injunctive relief and
11 24 money damages, by the attorney general.

11 25 The bill additionally provides for the notification of a
11 26 breach in the security of computerized data of personal
11 27 information in new Code chapter 715C.

11 28 The bill requires a person who owns, maintains, or
11 29 otherwise possesses computerized data that includes personal
11 30 information to provide notice of any breach of the person's
11 31 security of the data to those residents of this state whose
11 32 personal information was or may have been acquired by an
11 33 unauthorized person. The bill also requires a person who
11 34 maintains computerized data that includes personal information
11 35 that the person does not own to notify the owner of the data



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2353 - Introduced continued

12 1 of any breach in the security of the data. A "person" is
12 2 defined in the bill to include persons that conduct business
12 3 in this state and state agencies. The notice shall be
12 4 provided immediately unless a law enforcement agency
12 5 determines that the notification will impede a criminal
12 6 investigation. The notice may be made in writing, through
12 7 electronic means, or by substitute notice, as defined in the
12 8 bill, and must contain information regarding a description of
12 9 the breach of security, the approximate date of the breach,
12 10 the type of personal information obtained, contact information
12 11 for consumer reporting agencies and an offer of assistance in
12 12 remedying credit problems, and consumer reporting advice. In
12 13 the event a breach affects more than 1,000 consumers and
12 14 requires disclosure, the person discovering the breach is
12 15 required to notify all consumer reporting agencies that
12 16 compile and maintain reports on consumers on a nationwide
12 17 basis of the timing, distribution, and content of the
12 18 notification given to the consumers.

12 19 The bill provides that notification will not be required if
12 20 an investigation or consultation with law enforcement agencies
12 21 determines that no reasonable likelihood of harm has or will
12 22 result from the breach, and that the bill's provisions do not
12 23 apply to persons complying with specified requirements or
12 24 breach of security procedures that provide greater protection
12 25 to personal information and at least as thorough disclosure
12 26 requirements as provided pursuant to the bill.

12 27 The bill provides that a person who is injured by the
12 28 failure to notify of a security breach required by the bill
12 29 may file a civil action for an injunction, actual damages,
12 30 attorney fees, interest, and court costs. The attorney
12 31 general may also bring a civil action on behalf of an injured
12 32 person.

12 33 LSB 5421YH 82

12 34 rn/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2354 - Introduced

HOUSE FILE
BY WHITAKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act relating to hours-of-service requirements for certain
2 commercial motor vehicle operators hauling agricultural
3 commodities or farm supplies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5967HH 82
6 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2354 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.449, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 8. a. Rules adopted under this section
1 4 pertaining to compliance with requirements under 49 C.F.R.
1 5 part 395 shall not apply to agricultural operations that are
1 6 engaged in intrastate commerce at any time of the year within
1 7 a one hundred air mile radius from the source of the
1 8 agricultural commodity or the distribution point for the farm
1 9 supplies for agricultural purposes.
1 10 b. For purposes of this subsection, the following
1 11 definitions apply:
1 12 (1) "Agricultural commodity" means any agricultural
1 13 commodity, nonprocessed food, feed, fiber, or livestock,
1 14 including insects.
1 15 (2) "Agricultural operations" means the operation of a
1 16 motor vehicle or combination of vehicles transporting
1 17 agricultural commodities or farm supplies for agricultural
1 18 purposes.
1 19 (3) "Farm supplies for agricultural purposes" means
1 20 products directly related to the growing or harvesting of
1 21 agricultural commodities and livestock feed at any time of the
1 22 year.
1 23 (4) "Livestock" means cattle, sheep, goats, swine,
1 24 poultry, including egg-producing poultry, fish used for food,
1 25 and other animals designated by the secretary of the United
1 26 States department of transportation, at the sole discretion of
1 27 the secretary, that are part of a foundation herd, including
1 28 producing dairy cattle, or offspring.
1 29 EXPLANATION
1 30 This bill exempts drivers of certain commercial motor
1 31 vehicles from hours-of-service and recordkeeping requirements
1 32 provided in federal law and adopted by Iowa under
1 33 administrative rules. Under the bill, the rules shall not
1 34 apply to drivers of vehicles operating intrastate transporting
1 35 agricultural commodities or farm supplies within a 100-mile



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2354 - Introduced continued

- 2 1 radius from the source of the commodities or supplies. The
- 2 2 exemption applies year-round.
- 2 3 LSB 5967HH 82
- 2 4 dea/nh/8.2



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2355 - Introduced

HOUSE FILE
BY WHITAKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act allowing a property owner to petition for the suspension
- 2 or abatement of property taxes for damaged improvements to
- 3 real property.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5805HH 82
- 6 md/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2355 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.402, subsection 2, paragraph g,
1 2 Code 2007, is amended to read as follows:
1 3 g. Order the suspension of property taxes or cancel and
1 4 remit the taxes of certain persons as provided in sections
1 5 427.7, 427.8, and 427.10.
1 6 Sec. 2. Section 420.207, Code 2007, is amended to read as
1 7 follows:
1 8 420.207 TAXATION IN GENERAL.
1 9 Sections 426A.11 through 426A.15, 427.1, 427.7, 427.8 to
1 10 427.11, 428.4, 428.20, 428.22, 428.23, 437.1, 437.3, 441.21,
1 11 443.1 to 443.3, 444.2 to 444.5, and 447.9 to 447.13, so far as
1 12 applicable, apply to cities acting under special charters.
1 13 Sec. 3. Section 425.17, subsection 8, Code 2007, is
1 14 amended to read as follows:
1 15 8. "Property taxes due" means property taxes including any
1 16 special assessments, but exclusive of delinquent interest and
1 17 charges for services, due on a claimant's homestead in this
1 18 state, but includes only property taxes for which the claimant
1 19 is liable and which will actually be paid by the claimant.
1 20 However, if the claimant is a person whose property taxes have
1 21 been suspended under sections 427.7, 427.8, and 427.9,
1 22 "property taxes due" means property taxes including any
1 23 special assessments, but exclusive of delinquent interest and
1 24 charges for services, due on a claimant's homestead in this
1 25 state, but includes only property taxes for which the claimant
1 26 is liable and which would have to be paid by the claimant if
1 27 the payment of the taxes has not been suspended pursuant to
1 28 sections 427.7, 427.8, and 427.9. "Property taxes due" shall
1 29 be computed with no deduction for any credit under this
1 30 division or for any homestead credit allowed under section
1 31 425.1. Each claim shall be based upon the taxes due during
1 32 the fiscal year next following the base year. If a homestead
1 33 is owned by two or more persons as joint tenants or tenants in
1 34 common, and one or more persons are not members of claimant's
1 35 household, "property taxes due" is that part of property taxes



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2355 - Introduced continued

2 1 due on the homestead which equals the ownership percentage of
2 2 the claimant and the claimant's household. The county
2 3 treasurer shall include with the tax receipt a statement that
2 4 if the owner of the property is eighteen years of age or over,
2 5 the person may be eligible for the credit allowed under this
2 6 division. If a homestead is an integral part of a farm, the
2 7 claimant may use the total property taxes due for the larger
2 8 unit. If a homestead is an integral part of a multidwelling
2 9 or multipurpose building the property taxes due for the
2 10 purpose of this subsection shall be prorated to reflect the
2 11 portion which the value of the property that the household
2 12 occupies as its homestead is to the value of the entire
2 13 structure. For purposes of this subsection, "unit" refers to
2 14 that parcel of property covered by a single tax statement of
2 15 which the homestead is a part.

2 16 Sec. 4. NEW SECTION. 427.7 SUSPENSION OR ABATEMENT OF
2 17 TAXES == DAMAGE TO IMPROVEMENTS OF REAL PROPERTY.

2 18 1. If improvements located on real property suffer damage
2 19 not intentionally caused by the owner of the real property so
2 20 as to render the improvements unavailable for their current or
2 21 intended use, the owner may file a petition, duly sworn to,
2 22 with the board of supervisors, stating that fact and giving a
2 23 statement of affected parcels, as defined in section 445.1,
2 24 owned by the petitioner, and other information as the board
2 25 may require.

2 26 2. In response to a petition under subsection 1, the board
2 27 of supervisors may order the county treasurer to do either of
2 28 the following:

2 29 a. Suspend the collection of taxes, special assessments,
2 30 and rates or charges, including interest, fees, and costs, as
2 31 regards to the damaged improvements, which are assessed
2 32 against the petitioner or the petitioner's estate for the
2 33 current year as of the date the damage occurred.

2 34 b. Abate the taxes, special assessments, and rates or
2 35 charges, including interest, fees, and costs, as regards to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2355 - Introduced continued

3 1 the damaged improvements, which are assessed against the
3 2 petitioner or the petitioner's estate for the current year as
3 3 of the date the damage occurred.

3 4 Sec. 5. Section 427.10, Code 2007, is amended to read as
3 5 follows:

3 6 427.10 ABATEMENT.

3 7 The board of supervisors may, if in their judgment it is
3 8 for the best interests of the public and the petitioner
3 9 referred to in section 427.7 or 427.8, or the public and the
3 10 person referred to in section 427.9, abate the taxes, special
3 11 assessments, and rates or charges, including interest, fees,
3 12 and costs, which have previously been suspended as provided in
3 13 section 427.7, 427.8, or 427.9.

3 14 Sec. 6. Section 445.1, unnumbered paragraph 1, Code 2007,
3 15 is amended to read as follows:

3 16 For the purpose of this chapter and chapters 446, 447, and
3 17 448, section 331.553, subsection 3, and sections ~~427.8~~ 427.7
3 18 through 427.12 and 569.8:

3 19 EXPLANATION

3 20 This bill allows a property owner to file a petition with
3 21 the county board of supervisors requesting a suspension or
3 22 abatement of property taxes, special assessments, and rates or
3 23 charges, including interest, fees, and costs, as regards to
3 24 improvements to real property that have been damaged. To be
3 25 eligible for abatement or suspension of property taxes, the
3 26 damage must render the improvements unavailable for their
3 27 current or intended use. The bill does not allow for the
3 28 abatement or suspension of property taxes if the damage is
3 29 intentionally caused by the owner of the property. The bill
3 30 also provides that the board of supervisors may abate the
3 31 property taxes which have previously been suspended for
3 32 damaged improvements.

3 33 LSB 5805HH 82

3 34 md/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2356 - Introduced

HOUSE FILE
BY PETERSEN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

- 1 An Act relating to an adult boater safety education program and
- 2 providing a penalty and an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5950YH 82
- 5 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2356 - Introduced continued

PAG LIN

1 1 Section 1. Section 462A.12, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 6A. A person born after January 1, 1991,
1 4 shall not operate a vessel propelled by a motor of more than
1 5 ten horsepower unless the person has successfully completed a
1 6 department=approved watercraft safety course and obtained a
1 7 watercraft safety certificate. A person required to have a
1 8 watercraft safety certificate shall carry and shall exhibit or
1 9 make available the certificate upon request of an officer of
1 10 the department. A violation of this subsection is a simple
1 11 misdemeanor as provided in section 462A.13. However, a person
1 12 charged with violating this subsection shall not be convicted
1 13 if the person produces in court, within a reasonable time, a
1 14 department=approved certificate. The cost of a department
1 15 certificate, or any duplicate, shall not exceed five dollars.
1 16 Sec. 2. EFFECTIVE DATE. This bill takes effect January 1,
1 17 2009.

1 18 EXPLANATION

1 19 This bill prohibits a person who is 18 years of age or
1 20 older at the time that the bill becomes effective and
1 21 thereafter, from operating a vessel propelled by a motor of
1 22 more than 10 horsepower unless the person has successfully
1 23 completed a watercraft safety course approved by the
1 24 department of natural resources and obtained a watercraft
1 25 safety certificate. The bill also requires such a person to
1 26 carry and exhibit or make available the certificate upon
1 27 request of an officer of the department.
1 28 A violation of the provision is a simple misdemeanor. A
1 29 simple misdemeanor is punishable by confinement for no more
1 30 than 30 days or a fine of at least \$65 but not more than \$625
1 31 or by both. However, a person charged with a violation of the
1 32 provision shall not be convicted if the person produces the
1 33 certificate in court within a reasonable time. The cost of
1 34 the certificate, or any duplicate, cannot exceed \$5.
1 35 The bill takes effect January 1, 2009.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2356 - Introduced continued

2 1 LSB 5950YH 82
2 2 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2357 - Introduced

HOUSE FILE
BY DE BOEF

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act allowing native wineries to sell beer.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 6063YH 82
- 4 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2357 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.56, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 5A. Notwithstanding any other provision
1 4 of this chapter to the contrary, a person engaged in the
1 5 business of manufacturing native wine may be issued a class
1 6 "C" beer permit to sell beer to consumers at retail for
1 7 consumption off the premises of the manufacturing facility.

1 8 EXPLANATION

1 9 This bill provides that a native winery may be issued a
1 10 class "C" beer permit to sell beer to consumers for
1 11 off-premises consumption. Current law provides that only a
1 12 grocery or pharmacy may be issued a class "C" beer permit.

1 13 LSB 6063YH 82

1 14 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2358 - Introduced

HOUSE FILE
BY DE BOEF

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act relating to audit requirements for nonperpetual care
- 2 cemeteries.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5982YH 82
- 5 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2358 - Introduced continued

PAG LIN

1 1 Section 1. Section 523I.213A, subsection 2, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 2. A cemetery shall reimburse the division for the expense
1 4 of conducting the examination unless the commissioner waives
1 5 this requirement or the seller has previously provided to the
1 6 commissioner a certified copy of an audit conducted by an
1 7 independent certified public accountant verifying compliance
1 8 with this chapter for each year in question and the
1 9 examination conducted by the commissioner does not disclose
1 10 that the seller has not complied with this chapter for the
1 11 years in question. The expense of an examination involving
1 12 multiple cemeteries or other persons shall be prorated among
1 13 them upon any reasonable basis as determined by the
1 14 commissioner. A nonperpetual care cemetery that is not
1 15 holding care funds is not subject to the audit or
1 16 reimbursement requirements of this subsection.

1 17 EXPLANATION

1 18 This bill provides that a nonperpetual care cemetery that
1 19 is not holding care funds is not subject to the requirement
1 20 that the cemetery either provide the insurance division with
1 21 copies of annual audits of the cemetery or reimburse the
1 22 insurance division for the cost of conducting any examination
1 23 of the cemetery.

1 24 LSB 5982YH 82

1 25 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2359 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO HF 2158)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act concerning veterans, including expenditures from the
2 veterans trust fund and authorization of lottery games for
3 veterans.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5941HV 82
6 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2359 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.13, subsection 5, Code Supplement
1 2 2007, is amended to read as follows:
1 3 5. The minimum balance of the trust fund required prior to
1 4 expenditure of moneys from the trust fund is ~~fifty million~~
~~1 5 dollars. However, for the fiscal period beginning July 1,~~
~~1 6 2006, and ending June 30, 2009, the minimum balance of the~~
~~1 7 trust fund required prior to expenditure of moneys from the~~
~~1 8 trust fund is five million dollars.~~ Once the minimum balance
1 9 is reached, the interest and earnings on the fund and any
1 10 moneys received under subsection 3, paragraph "a", are
1 11 appropriated to the commission to be used to achieve the
1 12 purposes of this section.

1 13 Sec. 2. NEW SECTION. 99G.9A LIMITED SERIES OF LOTTERY
1 14 GAMES PROVIDING AID FOR VETERANS.

1 15 The chief executive officer, in consultation with the
1 16 board, shall develop and conduct two additional instant
1 17 scratch and two additional pull tab lottery games annually to
1 18 provide moneys for the benefit of veterans and their spouses
1 19 and dependents. The moneys received from the sale of tickets
1 20 for each lottery game shall be deposited in a special account
1 21 in the lottery fund. Notwithstanding section 99G.39, after
1 22 payment of the prizes, the remaining moneys shall be
1 23 transferred to the veterans trust fund established pursuant to
1 24 section 35A.13. However, if the balance of the veterans trust
1 25 fund is fifty million dollars or more, the remaining moneys
1 26 shall be appropriated to the department of veterans affairs
1 27 for the purposes of the department.

1 28 EXPLANATION

1 29 This bill concerns the veterans trust fund and lottery
1 30 games for veterans.

1 31 Code section 35A.13, establishing the veterans trust fund,
1 32 is amended to provide that the minimum balance before
1 33 expenditures from interest and earnings on the fund can be
1 34 made is \$5 million. Currently, the minimum balance required
1 35 until June 30, 2009, is \$5 million and the minimum balance



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2359 - Introduced continued

2 1 required after that date is \$50 million.
2 2 The bill also provides that the chief executive officer of
2 3 the lottery authority shall develop and conduct two additional
2 4 instant scratch and two additional pull tab lottery games
2 5 annually for the benefit of veterans. Moneys received from
2 6 the games, less prizes, shall be deposited in the veterans
2 7 trust fund, currently controlled by the commission of veterans
2 8 affairs, for the benefit of veterans and their spouses and
2 9 dependents.
2 10 Once the balance in the veterans trust fund reaches \$50
2 11 million, the bill provides that proceeds from the games shall
2 12 be appropriated to the department of veterans affairs.
2 13 LSB 5941HV 82
2 14 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2360 - Introduced

HOUSE FILE
BY REICHERT, ZIRKELBACH,
DANDEKAR, MERTZ, HEDDENS,
THOMAS, FREVERT, S. OLSON,
DRAKE, and HUSEMAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to the biodiesel blended fuel tax credit for
- 2 retail dealers, and providing for retroactive applicability.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5988YH 82
- 5 da/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2360 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.11P, Code Supplement 2007, is
1 2 amended by adding the following new subsection:

1 3 NEW SUBSECTION. 1A. As used in this section, biodiesel
1 4 blended fuel is classified B=xx, where "xx" is the volume
1 5 percent of biodiesel in the biodiesel blended fuel, which
1 6 meets standards adopted in section 214A.2.

1 7 Sec. 2. Section 422.11P, subsections 2 and 3, Code
1 8 Supplement 2007, are amended to read as follows:

1 9 2. The taxes imposed under this division, less the credits
1 10 allowed under section 422.12, shall be reduced by the amount
1 11 of the biodiesel blended fuel tax credit for each tax year
1 12 that the taxpayer is eligible to claim a tax credit under this
1 13 subsection. For a taxpayer

1 14 ~~a. In order to be eligible, to claim the tax credit, the~~
1 15 ~~taxpayer must be a retail dealer, and all of the following~~
1 16 ~~must apply:~~

1 17 ~~(1) a. The taxpayer is a retail dealer who sells and~~
1 18 ~~dispenses biodiesel blended fuel through a motor fuel pump in~~
1 19 ~~the tax year in which the tax credit is claimed.~~

1 20 ~~(2) b. Of the total gallons of diesel fuel that the retail~~
1 21 ~~dealer sells and dispenses through all motor fuel pumps during~~
1 22 ~~the retail dealer's tax year, fifty percent or more is~~
1 23 ~~biodiesel blended fuel which meets the requirements of this~~
1 24 ~~section.~~

1 25 ~~(3) c. The retail dealer complies with requirements of the~~
1 26 ~~department established to administer this section.~~

1 27 ~~b. The tax credit shall apply to biodiesel blended fuel~~
~~1 28 formulated with a minimum percentage of two percent by volume~~
~~1 29 of biodiesel, if the formulation meets the standards provided~~
~~1 30 in section 214A.2.~~

1 31 3. The amount of the tax credit is ~~three cents multiplied~~
1 32 calculated by multiplying a designated rate by the total
1 33 number of gallons of each class of biodiesel blended fuel sold
1 34 and dispensed by the retail dealer through all motor fuel
1 35 pumps operated by the retail dealer during the retail dealer's



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2360 - Introduced continued

2 1 tax year. The schedule of designated rates for each class of
2 2 biodiesel blended fuel is as follows:

2 3 a. Three cents for biodiesel blended fuel which is
2 4 classified as B=2 or higher, but is not as high as B=5.

2 5 b. Seven and one-half cents for biodiesel blended fuel
2 6 which is classified as B=5 or higher, but is not as high as
2 7 B=10.

2 8 c. Fifteen cents for biodiesel blended fuel which is
2 9 classified as B=10 or higher, but is not as high as B=20.

2 10 d. Thirty cents for biodiesel blended fuel which is
2 11 classified as B=20 or higher.

2 12 Sec. 3. RETROACTIVE APPLICABILITY DATE. Section 422.11P,
2 13 as amended in this Act, and section 422.33, subsection 11C, as
2 14 applied due to the enactment of this Act, shall apply,
2 15 retroactively to the tax year beginning on or after January 1,
2 16 2008.

2 17 EXPLANATION

2 18 This bill amends provisions relating to the biodiesel
2 19 blended fuel tax credit available to a retail dealer of diesel
2 20 fuel who sells 50 percent or more biodiesel blended fuel
2 21 during each tax year until the tax credit expires on January
2 22 1, 2012. Code section 422.11P provides the tax credit for
2 23 persons filing individual tax returns and Code section 422.33
2 24 provides the same tax credit to corporations.

2 25 Biodiesel blended fuel is classified according to the
2 26 percentage volume of biodiesel contained in a gallon of diesel
2 27 fuel (e.g., "B=2" equals 2 percent biodiesel). The tax credit
2 28 is based on the total number of gallons sold. The bill
2 29 replaces the rate of 3 cents for each gallon of B=2 or higher
2 30 sold, with a schedule which increases the rate depending upon
2 31 the class of biodiesel blended fuel sold (from 3 cents for B=2
2 32 to 30 cents for B=20 or higher).

2 33 The bill applies retroactively to the tax year beginning on
2 34 or after January 1, 2008.

2 35 LSB 5988YH 82



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2360 - Introduced continued

3 1 da/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2361 - Introduced

HOUSE FILE
BY LENSING and WESSEL=KROESCHELL

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

1 An Act requiring the development and inclusion of an energy audit
2 program by specified gas and electric utilities within an
3 energy efficiency plan filed with the Iowa utilities board.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5844HH 82
6 rn/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2361 - Introduced continued

PAG LIN

1 1 Section 1. Section 476.6, subsection 16, paragraph a, Code
1 2 Supplement 2007, is amended by adding the following new
1 3 unnumbered paragraph:
1 4 NEW UNNUMBERED PARAGRAPH. An energy efficiency plan filed
1 5 pursuant to this paragraph shall include a residential and
1 6 business energy audit program. Audits conducted pursuant to
1 7 the program may be performed by the utility directly, or
1 8 through a third-party contractor, and shall be completed
1 9 within thirty days of the submission of an audit request by a
1 10 residential or business owner or prospective purchaser. The
1 11 audit shall include an assessment of the current level of
1 12 energy efficiency of a residence or business from a structural
1 13 perspective and with regard to electrical and natural gas
1 14 appliance operation, and contain recommendations for energy
1 15 efficiency improvements and energy savings estimates
1 16 achievable if the improvements are implemented. The board
1 17 shall by rule determine additional program aspects, as well as
1 18 identify streamlined energy audit procedures applicable for
1 19 audits requested by a seller or purchaser of real estate prior
1 20 to or as part of the conveyance process.

1 21 EXPLANATION

1 22 This bill provides that an energy efficiency plan filed by
1 23 gas and electric utilities required to be rate-regulated for
1 24 approval by the Iowa utilities board shall include an energy
1 25 audit program. The audit program applies to both residences
1 26 and businesses, and could be performed either by the utility
1 27 directly or through a third-party contractor. The bill
1 28 provides that an audit must be completed within 30 days of the
1 29 submission of an audit request by a residential or business
1 30 owner or prospective purchaser. The bill specifies that an
1 31 audit will include an assessment of the current level of
1 32 energy efficiency both structurally and relating to appliance
1 33 operation, and provide recommendations for energy efficiency
1 34 improvements and estimates of resulting savings. The board is
1 35 directed to establish by rule additional aspects of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2361 - Introduced continued

2 1 program, and to facilitate streamlined procedures applicable
2 2 to a real estate transfer or sale.
2 3 LSB 5844HH 82
2 4 rn/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2362 - Introduced

HOUSE FILE
BY KAUFMANN and SCHUELLER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to rules for discharging wastewater from water
- 2 well drilling sites.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6093YH 82
- 5 tw/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2362 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 455B.198 WASTEWATER DISCHARGE
1 2 FROM WELL DRILLING SITES == RULES.
1 3 1. The commission shall adopt rules to regulate the
1 4 discharge of wastewater from water well drilling sites. The
1 5 rules shall incorporate the following considerations:
1 6 a. The size of the well as measured by the flow of water
1 7 in gallons per minute.
1 8 b. The best management practices for wastewater discharge.
1 9 c. The necessity of inspecting the drilling site.
1 10 d. Requirements for notification to the department prior
1 11 to the commencement of drilling operations.
1 12 e. Requirements for retention of records for a well.
1 13 f. Reasonable and appropriate limitations on wastewater
1 14 discharge that balance the need for the well against the need
1 15 to protect the environment.
1 16 2. The commission shall convene an advisory committee that
1 17 includes representatives of the Iowa water well association to
1 18 assist in the development of the rules.
1 19 3. The rules shall be adopted no later than December 31,
1 20 2008.

1 21 EXPLANATION

1 22 This bill relates to water well drilling.
1 23 The bill directs the environmental protection commission to
1 24 develop rules for water well drilling and requires the rules
1 25 to incorporate the following considerations: the size of the
1 26 well as measured by the flow of water in gallons per minute,
1 27 the best management practices for wastewater discharge, the
1 28 necessity of inspecting the drilling site, requirements for
1 29 notification to the department prior to the commencement of
1 30 drilling operations, requirements for retention of records for
1 31 a well, and reasonable and appropriate limitations on
1 32 wastewater discharge that balance the need for the well
1 33 against the need to protect the environment.
1 34 The bill directs the commission to convene an advisory
1 35 committee of representatives from the Iowa water well



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2362 - Introduced continued

2 1 association to assist in the development of the rules.
2 2 The bill provides that the rules be adopted no later than
2 3 December 31, 2008.
2 4 LSB 6093YH 82
2 5 tw/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2363 - Introduced

HOUSE FILE
BY REICHERT and MERTZ

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act providing for the stockpiling of dry manure from a
- 2 confinement feeding operation and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6099YH 82
- 5 da/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2363 - Introduced continued

PAG LIN

1 1 Section 1. Section 459.102, Code 2007, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 20A. "Designated area" means a known
1 4 sinkhole, a cistern, an abandoned well, an unplugged
1 5 agricultural drainage well, an agricultural drainage well
1 6 surface inlet, a drinking water well, a designated wetland, or
1 7 a water source. However, "designated area" does not include a
1 8 terrace tile inlet or a surface tile inlet other than an
1 9 agricultural drainage well surface tile inlet.
1 10 NEW SUBSECTION. 23A. "Dry manure" means manure which
1 11 meets all of the following conditions:
1 12 a. The manure does not flow perceptibly under pressure.
1 13 b. The manure is not capable of being transported through
1 14 a mechanical pumping device designed to move a liquid.
1 15 c. The constituent molecules of the manure do not flow
1 16 freely among themselves but may show a tendency to separate
1 17 under stress.
1 18 NEW SUBSECTION. 45A. "Stockpile" means to store dry
1 19 manure from a confinement feeding operation outside of a
1 20 confinement feeding operation structure.
1 21 Sec. 2. Section 459.206, subsection 2, paragraph b, Code
1 22 2007, is amended to read as follows:
1 23 b. A qualified confinement feeding operation that stores
1 24 ~~dry manure on a dry matter basis.~~
1 25 Sec. 3. Section 459.307, subsection 1, paragraph b, Code
1 26 2007, is amended to read as follows:
1 27 b. Whether the manure storage structure stores only dry
1 28 ~~manure in an exclusively dry form.~~
1 29 Sec. 4. NEW SECTION. 459.311A DRY MANURE STOCKPILING.
1 30 A person may stockpile dry manure, subject to all of the
1 31 following restrictions:
1 32 1. a. The person shall not stockpile dry manure within
1 33 the following distances unless the dry manure is maintained in
1 34 a manner that will not allow precipitation-induced runoff to
1 35 drain from the dry manure to the designated area:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2363 - Introduced continued

2 1 (1) Four hundred feet from a designated area other than a
2 2 high-quality water resource.
2 3 (2) Eight hundred feet from a high-quality water resource.
2 4 b. The person shall not stockpile dry manure within two
2 5 hundred feet from a terrace tile inlet or surface tile inlet
2 6 unless the dry manure is maintained in a manner that will not
2 7 allow precipitation-induced runoff to drain from the dry
2 8 manure to the terrace tile inlet or surface tile inlet. A
2 9 terrace tile inlet or surface tile inlet does not include a
2 10 tile inlet that is not directly connected to a tile line that
2 11 discharges directly into a water of the state.
2 12 c. The person shall not stockpile dry manure in a grassed
2 13 waterway.
2 14 d. The person shall not stockpile dry manure on land
2 15 having a slope of more than three percent unless methods,
2 16 structures, or practices are implemented to contain the
2 17 stockpiled dry manure, including but not limited to using silt
2 18 fences, temporary earthen berms, or other effective measures,
2 19 and to prevent or diminish precipitation-induced runoff from
2 20 the stockpiled dry manure.
2 21 2. The person must remove the stockpiled manure and apply
2 22 it in accordance with the provisions of this chapter,
2 23 including but not limited to section 459.311, within six
2 24 months after the manure is stockpiled.
2 25 Sec. 5. Section 459.314, unnumbered paragraph 1, Code
2 26 2007, is amended by striking the paragraph.

2 27 EXPLANATION

2 28 BACKGROUND. This bill amends Code chapter 459, the "Animal
2 29 Agriculture Compliance Act", regulated by the department of
2 30 natural resources. The bill provides for storing dry manure
2 31 from a confinement feeding operation outside a confinement
2 32 feeding operation structure (i.e., a confinement building or
2 33 manure storage structure), a practice referred to as
2 34 "stockpiling". Code chapter 459 does not specifically address
2 35 stockpiling. For stockpiling manure solids from an open



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House File 2363 - Introduced continued

3 1 feedlot, see Code section 459A.403.
3 2 BILL'S PROVISIONS. The bill defines dry manure as manure
3 3 which does not flow perceptibly under pressure, is not capable
3 4 of being transported through a mechanical pumping device
3 5 designed to move a liquid, and its constituent molecules do
3 6 not flow freely among themselves but may show a tendency to
3 7 separate under stress. The bill specifically allows for
3 8 stockpiling dry manure, subject to certain limitations.
3 9 A person is prohibited from stockpiling dry manure within
3 10 certain distances from certain areas involving surface water
3 11 or groundwater, including the following:
3 12 1. A designated area. The definition of designated area
3 13 is taken from current law (Code section 459.314) and includes
3 14 a known sinkhole, a cistern, an abandoned well, an unplugged
3 15 agricultural drainage well, an agricultural drainage well
3 16 surface inlet, a drinking water well, a designated wetland, or
3 17 a water source. It does not include a terrace tile inlet.
3 18 The bill provides that a designated area also does not include
3 19 a surface tile inlet, other than an agricultural drainage well
3 20 surface tile inlet, which is consistent with Code chapter 459A
3 21 governing open feedlot operations.
3 22 2. A high-quality water resource as provided by rules
3 23 adopted by the department.
3 24 3. A terrace tile inlet or surface tile inlet unless the
3 25 dry manure is maintained in a manner that will not allow
3 26 precipitation-induced runoff to drain from the dry manure to
3 27 the terrace tile inlet or surface tile inlet.
3 28 In addition, a person cannot stockpile dry manure in a
3 29 grassed waterway or on a slope of more than 3 percent unless
3 30 means are provided to contain the stockpiled dry manure.
3 31 A person must remove the stockpiled manure and apply it in
3 32 accordance with the provisions of Code chapter 459, including
3 33 but not limited to Code section 459.311, within six months
3 34 after the manure is stockpiled.
3 35 PENALTIES APPLICABLE. A person who violates a provision of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House File 2363 - Introduced continued

4 1 the bill is subject to a civil penalty assessed by the
4 2 department under Code section 455B.109 or by the attorney
4 3 general pursuant to Code section 455B.191 (\$5,000 per
4 4 violation with each day an offense continues considered a
4 5 separate offense). The civil penalties are deposited in the
4 6 animal agriculture compliance fund created in Code section
4 7 459.401.
4 8 LSB 6099YH 82
4 9 da/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Resolution 110 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY FORD and MURPHY
1 3 A Resolution requesting the legislative council
1 4 to authorize a 2008 interim study of methods and
1 5 funding for mitigating the presence of lead-based
1 6 paint and other lead hazards.
1 7 WHEREAS, lead is a highly toxic metal that was used
1 8 for many years in products found in and around homes
1 9 and buildings used by children; and
1 10 WHEREAS, lead may cause a range of health effects,
1 11 from behavioral problems and learning disabilities to
1 12 seizures and death, and children age six and under are
1 13 most at risk because their bodies are growing quickly;
1 14 and
1 15 WHEREAS, research suggests that the primary sources
1 16 of lead exposure for most children are deteriorating
1 17 lead-based paint, lead-contaminated dust, and
1 18 lead-contaminated residential soil; and
1 19 WHEREAS, identification of appropriate funding
1 20 sources, preferred methods, and cost-effective
1 21 strategies for mitigating lead-based paint and other
1 22 lead hazards is needed, NOW THEREFORE,
1 23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 24 That the legislative council is requested to authorize
1 25 a 2008 interim study of methods and funding for
1 26 mitigating the presence of lead-based paint and other
1 27 lead hazards.
1 28 LSB 6405HH 82
1 29 jp/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 695

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act relating to health care reform including health
2 information technology, wellness initiatives including an
3 income tax checkoff, coverage for preexisting conditions,
4 continuation of coverage for certain dependent children, and
5 limitations on rate increases for long-term care insurance,
6 providing an appropriation, and including an applicability
7 provision.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TL5B 5712XL 82
10 av/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 695 continued

PAG LIN

1 1 Section 1. NEW SECTION. 8.70 DEFINITIONS.
1 2 As used in this division, unless the context otherwise
1 3 requires:
1 4 1. "Health care professional" means a person who is
1 5 licensed, certified, or otherwise authorized or permitted by
1 6 the law of this state to administer health care in the
1 7 ordinary course of business of in the practice of a
1 8 profession.
1 9 2. "Health information technology" means the application
1 10 of information processing, involving both computer hardware
1 11 and software, that deals with the storage, retrieval, sharing,
1 12 and use of health care information, data, and knowledge for
1 13 communication, decision making, quality, safety, and
1 14 efficiency of clinical practice, and may include but is not
1 15 limited to:
1 16 a. An electronic health record that electronically
1 17 compiles and maintains health information that may be derived
1 18 from multiple sources about the health status of an individual
1 19 and may include a core subset of each care delivery
1 20 organization's electronic medical record such as a continuity
1 21 of care record or a continuity of care document, computerized
1 22 physician order entry, electronic prescribing, or clinical
1 23 decision support.
1 24 b. A personal health record through which an individual
1 25 and any other person authorized by the individual can maintain
1 26 and manage the individual's health information.
1 27 c. An electronic medical record that is used by health
1 28 care professionals to electronically document, monitor, and
1 29 manage health care delivery within a care delivery
1 30 organization, is the legal record of the patient's encounter
1 31 with the care delivery organization, and is owned by the care
1 32 delivery organization.
1 33 d. A computerized provider order entry function that
1 34 permits the electronic ordering of diagnostic and treatment
1 35 services, including prescription drugs.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 695 continued

2 1 e. A decision support function to assist physicians and
2 2 other health care providers in making clinical decisions by
2 3 providing electronic alerts and reminders to improve
2 4 compliance with best practices, promote regular screenings and
2 5 other preventive practices, and facilitate diagnoses and
2 6 treatments.

2 7 f. An error notification function that generates a warning
2 8 when an order is entered that is likely to lead to a
2 9 significant adverse outcome for individuals.

2 10 g. Tools to allow for the collection, analysis, and
2 11 reporting of information or data on adverse events, the
2 12 quality and efficiency of care, patient satisfaction, and
2 13 other health care-related performance measures.

2 14 3. "Interoperability" means the ability of two or more
2 15 systems or components to exchange information or data in an
2 16 accurate, effective, secure, and consistent manner and to use
2 17 the information or data that has been exchanged and includes
2 18 but is not limited to:

2 19 a. The capacity to connect to a network for the purpose of
2 20 exchanging information or data with other users.

2 21 b. The ability of a connected, authenticated user to
2 22 demonstrate appropriate permissions to participate in the
2 23 instant transaction over the network.

2 24 c. The capacity of a connected, authenticated user to
2 25 access, transmit, receive, and exchange usable information
2 26 with other users.

2 27 4. "Recognized interoperability standard" means
2 28 interoperability standards recognized by the office of the
2 29 national coordinator for health information technology of the
2 30 United States department of health and human services.

2 31 Sec. 2. NEW SECTION. 8.71 IOWA ELECTRONIC HEALTH ==
2 32 PRINCIPLES == GOALS.

2 33 1. Health information technology is rapidly evolving so
2 34 that it can contribute to the goals of improving access to and
2 35 quality of health care, enhancing efficiency, and reducing



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 695 continued

3 1 costs.
3 2 2. To be effective, the health information technology
3 3 system shall comply with all of the following principles:
3 4 a. Be patient-centered and market-driven.
3 5 b. Be based on approved standards developed with input
3 6 from all stakeholders.
3 7 c. Protect the privacy of consumers and the security and
3 8 confidentiality of all health information.
3 9 d. Promote interoperability.
3 10 e. Ensure the accuracy, completeness, and uniformity of
3 11 data.
3 12 3. Widespread adoption of health information technology is
3 13 critical to a successful health information technology system
3 14 and is best achieved when all of the following occur:
3 15 a. The market provides a variety of certified products
3 16 from which to choose in order to best fit the needs of the
3 17 user.
3 18 b. The system provides incentives for health care
3 19 professionals to utilize the health information technology and
3 20 provides rewards for any improvement in quality and efficiency
3 21 resulting from such utilization.
3 22 c. The system provides protocols to address critical
3 23 problems.
3 24 d. The system is financed by all who benefit from the
3 25 improved quality, efficiency, savings, and other benefits that
3 26 result from use of health information technology.
3 27 Sec. 3. NEW SECTION. 8.72 IOWA ELECTRONIC HEALTH
3 28 INFORMATION COMMISSION.
3 29 1. a. An electronic health information commission is
3 30 created as a public and private collaborative effort to
3 31 promote the adoption and use of health information technology
3 32 in this state in order to improve health care quality,
3 33 increase patient safety, reduce health care costs, enhance
3 34 public health, and empower individuals and health care
3 35 professionals with comprehensive, real-time medical



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 695 continued

4 1 information to provide continuity of care and make the best
4 2 health care decisions. The commission shall provide oversight
4 3 for the development, implementation, and coordination of an
4 4 interoperable electronic health records system, telehealth
4 5 expansion efforts, the health information technology
4 6 infrastructure, and other health information technology
4 7 initiatives in this state.

4 8 b. All health information technology efforts shall
4 9 endeavor to represent the interests and meet the needs of
4 10 consumers and the health care sector, protect the privacy of
4 11 individuals and the confidentiality of individuals'
4 12 information, promote physician best practices, and make
4 13 information easily accessible to the appropriate parties. The
4 14 system developed shall be consumer-driven, flexible, and
4 15 expandable.

4 16 2. The commission shall consist of individuals with broad
4 17 experience and vision in health care and health technology and
4 18 one member representing the health care consumer. The voting
4 19 members shall be appointed by the governor, subject to
4 20 confirmation by the senate. The voting members shall include
4 21 all of the following:

4 22 a. The director of the Iowa communications network.

4 23 b. Two members who are the chief information officers of
4 24 the two largest private health care systems.

4 25 c. One member who is the chief information officer of a
4 26 public health care system.

4 27 d. A representative of the private telecommunications
4 28 industry.

4 29 e. A representative of a rural hospital that is a member
4 30 of the Iowa hospital association.

4 31 f. A consumer advocate.

4 32 g. A representative of the Iowa safety net provider
4 33 network created in section 135.153.

4 34 3. a. The members shall select a chairperson, annually,
4 35 from among the membership, and shall serve terms of three



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 695 continued

5 1 years beginning and ending as provided in section 69.19.
5 2 Voting member appointments shall comply with sections 69.16
5 3 and 69.16A. Vacancies shall be filled by the original
5 4 appointing authority and in the manner of the original
5 5 appointments. Members shall receive reimbursement for actual
5 6 expenses incurred while serving in their official capacity and
5 7 voting members may also be eligible to receive compensation as
5 8 provided in section 7E.6. A person appointed to fill a
5 9 vacancy for a member shall serve only for the unexpired
5 10 portion of the term. A member is eligible for reappointment
5 11 for two successive terms.

5 12 b. The commission shall meet at the call of the
5 13 chairperson. A majority of the voting members of the
5 14 commission constitutes a quorum. Any action taken by the
5 15 commission must be adopted by the affirmative vote of a
5 16 majority of its voting membership.

5 17 c. The commission is located for administrative purposes
5 18 within the department of management. The department shall
5 19 provide office space, staff assistance, administrative
5 20 support, and necessary supplies and equipment for the
5 21 commission.

5 22 4. The commission shall do all of the following:

5 23 a. Establish an advisory council which shall consist of
5 24 the representatives of entities involved in the electronic
5 25 health records system task force established pursuant to
5 26 section 217.41A, Code 2007, and any other members the
5 27 commission determines necessary to assist in the commission's
5 28 duties including but not limited to consumers and consumer
5 29 advocacy organizations; physicians and health care
5 30 professionals; leadership of community hospitals and major
5 31 integrated health care delivery networks; state agencies
5 32 including the department of public health, the department of
5 33 human services, the department of elder affairs, the division
5 34 of insurance of the department of commerce, and the office of
5 35 the attorney general; health plans and health insurers; legal



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 695 continued

6 1 experts; academics and ethicists; business leaders; and
6 2 professional associations.
6 3 b. Adopt a statewide health information technology plan by
6 4 January 1, 2009. In developing the plan, the commission shall
6 5 seek the input of providers, payers, and consumers. Standards
6 6 and policies developed for the plan shall promote and be
6 7 consistent with national standards developed by the office of
6 8 the national coordinator for health information technology of
6 9 the United States department of health and human services and
6 10 shall address or provide for all of the following:
6 11 (1) The effective, efficient, statewide use of electronic
6 12 health information in patient care, health care policymaking,
6 13 clinical research, health care financing, and continuous
6 14 quality improvement. The commission shall adopt requirements
6 15 for interoperable electronic health records in this state
6 16 including a recognized interoperability standard.
6 17 (2) Education of the public and health care sector about
6 18 the value of health information technology in improving
6 19 patient care, and methods to promote increased support and
6 20 collaboration of state and local public health agencies,
6 21 health care professionals, and consumers in health information
6 22 technology initiatives.
6 23 (3) Uniform standards for the exchange of health care
6 24 information and interoperable electronic health records.
6 25 (4) Policies relating to the protection of privacy of
6 26 patients and the security and confidentiality of patient
6 27 information.
6 28 (5) Policies relating to information ownership.
6 29 (6) Policies relating to governance of the various facets
6 30 of the health information technology system.
6 31 (7) A single patient identifier to share secure patient
6 32 information. All health care professionals shall utilize the
6 33 single patient identifier by January 1, 2010.
6 34 (8) A standard continuity of care record and other issues
6 35 related to the content of electronic transmissions. All



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 695 continued

7 1 health care professionals shall utilize the standard
7 2 continuity of care record by January 1, 2010.
7 3 (9) Requirements for electronic prescribing.
7 4 (10) Economic incentives and support to facilitate
7 5 participation in an interoperable system by health care
7 6 professionals.
7 7 c. Identify existing and potential health information
7 8 technology efforts in this state, regionally, and nationally,
7 9 and integrate existing efforts to avoid incompatibility
7 10 between efforts and avoid duplication.
7 11 d. Coordinate public and private efforts to provide the
7 12 network backbone infrastructure for the health information
7 13 technology system. In coordinating these efforts, the
7 14 commission shall do all of the following:
7 15 (1) Adopt policies to effectuate the logical cost
7 16 effective usage of and access to the state-owned network, and
7 17 support of telecommunication carrier products, where
7 18 applicable.
7 19 (2) Complete a memorandum of understanding by January 1,
7 20 2009, with the Iowa communications network for governmental
7 21 access usage, with private fiber optic networks for core
7 22 backbone usage of private fiber optic networks, and with any
7 23 other communications entity for state-subsidized usage of the
7 24 communications entity's products to access any backbone
7 25 network.
7 26 (3) Establish protocols to ensure compliance with any
7 27 applicable federal standards.
7 28 (4) Determine costs for accessing the network at a level
7 29 that provides sufficient funding for the network.
7 30 e. Promote the use of telemedicine.
7 31 (1) Examine existing barriers to the use of telemedicine
7 32 and make recommendations for eliminating these barriers.
7 33 (2) Examine the most efficient and effective systems of
7 34 technology for use and make recommendations based on the
7 35 findings.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 695 continued

- 8 1 f. Address the workforce needs generated by increased use
8 2 of health information technology.
- 8 3 g. Adopt rules in accordance with chapter 17A to implement
8 4 all aspects of the statewide plan and the network.
- 8 5 h. Coordinate, monitor, and evaluate the adoption, use,
8 6 interoperability, and efficiencies of the various facets of
8 7 health information technology in this state.
- 8 8 i. Seek and apply for any federal or private funding to
8 9 assist in the implementation and support of the health
8 10 information technology system and make recommendations for
8 11 funding mechanisms for the ongoing development and maintenance
8 12 costs of the health information technology system.
- 8 13 j. Identify state laws and rules that present barriers to
8 14 the development of the health information technology system
8 15 and recommend any changes to the governor and the general
8 16 assembly.
- 8 17 Sec. 4. NEW SECTION. 135.27A KEEP IOWA HEALTHY FUND.
- 8 18 1. A keep Iowa healthy fund is created in the office of
8 19 the treasurer of state under the control of the department of
8 20 public health. The fund is composed of moneys appropriated or
8 21 available to and obtained and accepted by the treasurer of
8 22 state for deposit in the fund. The fund shall include moneys
8 23 transferred to the fund as provided in section 422.12K. All
8 24 interest earned on moneys in the fund shall be credited to and
8 25 remain in the fund. Section 8.33 does not apply to moneys in
8 26 the fund.
- 8 27 2. Moneys in the fund are appropriated and shall be used
8 28 to pay for community wellness initiatives or shall be
8 29 distributed to county public health agencies to provide health
8 30 care screenings, mental health services, and other
8 31 county-based services to low-income Iowans.
- 8 32 3. The director may authorize payment of moneys from the
8 33 fund upon approval of an application from a private or public
8 34 organization. The applicant shall submit a plan for a
8 35 wellness initiative project or a project that provides health



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 695 continued

9 1 care services to low-income Iowans along with its application.
9 2 The department shall, by rule, establish standards concerning
9 3 the type of projects eligible for assistance.

9 4 Sec. 5. NEW SECTION. 422.12K INCOME TAX CHECKOFF FOR
9 5 WELLNESS.

9 6 1. A person who files an individual or a joint income tax
9 7 return with the department of revenue under section 422.13 may
9 8 designate one dollar or more to be paid to the keep Iowa
9 9 healthy fund as created in section 135.27A. If the refund due
9 10 on the return or the payment remitted with the return is
9 11 insufficient to pay the amount designated by the taxpayer to
9 12 the keep Iowa healthy fund, the amount designated shall be
9 13 reduced to the remaining amount of the refund or the remaining
9 14 amount remitted with the return. The designation of a
9 15 contribution to the keep Iowa healthy fund under this section
9 16 is irrevocable.

9 17 2. The director of revenue shall draft the income tax form
9 18 to allow the designation of contributions to the keep Iowa
9 19 healthy fund on the tax return. The department, on or before
9 20 January 31, shall transfer the total amount designated on the
9 21 tax form due in the preceding year to the fund created in
9 22 section 135.27A. However, before a checkoff pursuant to this
9 23 section shall be permitted, all liabilities on the books of
9 24 the department of administrative services and accounts
9 25 identified as owing under section 8A.504 and the political
9 26 contribution allowed under section 68A.601 shall be satisfied.

9 27 3. The director of public health may authorize payment
9 28 from the keep Iowa healthy fund pursuant to section 135.27A.

9 29 4. The department of revenue shall adopt rules to
9 30 administer this section.

9 31 5. This section is subject to repeal under section
9 32 422.12E.

9 33 Sec. 6. Section 509.3, Code 2007, is amended by adding the
9 34 following new subsection:

9 35 NEW SUBSECTION. 8. A provision that the company will



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 695 continued

10 1 permit continuation of coverage for an unmarried dependent
10 2 child of an insured or enrollee who so elects, at least
10 3 through the age of twenty-five years old or so long as the
10 4 dependent child maintains full-time status as a student in an
10 5 accredited institution of postsecondary education, whichever
10 6 occurs last.

10 7 Sec. 7. Section 513B.2, subsection 6, paragraph b, Code
10 8 Supplement 2007, is amended to read as follows:

10 9 b. A small employer carrier ~~may~~ shall establish additional
10 10 groupings under each of the subparagraphs in paragraph "a" on
10 11 the basis of underwriting criteria which are expected to
10 12 produce substantial variation in the health care costs. A
10 13 small employer carrier shall offer health insurance coverage
10 14 to a bona fide association as defined in section 509.1,
10 15 subsection 8, paragraph "b", that utilizes the rating bands
10 16 devised pursuant to the additional groupings established.

10 17 Sec. 8. Section 514A.3, subsection 2, Code 2007, is
10 18 amended by adding the following new paragraphs:

10 19 NEW PARAGRAPH. 1. A provision as follows:

10 20 CREDIT TOWARD PREEXISTING CONDITIONS WAITING PERIODS FOR
10 21 CONTINUOUS GROUP COVERAGE: A person who is accepted for
10 22 coverage under an individual policy or contract of accident
10 23 and sickness insurance shall be considered to satisfy
10 24 preexisting conditions waiting period requirements of the
10 25 policy or contract to the extent that such waiting periods
10 26 were satisfied in prior continuous creditable coverage under a
10 27 group policy or contract.

10 28 NEW PARAGRAPH. m. A provision as follows:

10 29 CONTINUATION OF COVERAGE FOR DEPENDENT CHILDREN: An
10 30 individual policy or contract of accident and sickness
10 31 insurance shall permit continuation of coverage for an
10 32 unmarried dependent child of an insured or enrollee who so
10 33 elects, at least through the age of twenty-five years old or
10 34 so long as the dependent child maintains full-time status as a
10 35 student in an accredited institution of postsecondary



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 695 continued

11 1 education, whichever occurs last.

11 2 Sec. 9. Section 514G.7, subsection 5, Code 2007, is
11 3 amended to read as follows:

11 4 5. RULES.

11 5 a. The commissioner may adopt rules establishing loss
11 6 ratio standards for long-term care insurance policies provided
11 7 that a specific reference to long-term care insurance policies
11 8 is contained in the rules.

11 9 b. The commissioner shall adopt rules providing for
11 10 preapproval of filings for actuarially justified rate
11 11 increases by entities subject to regulation under this
11 12 chapter, but in no case shall a rate increase of more than
11 13 twelve percent be approved in any one year. The commissioner
11 14 may suspend such rules adopted pursuant to this subsection, in
11 15 whole or in part, as to the premium rates applicable to one or
11 16 more entities subject to regulation under this chapter for one
11 17 or more rating periods upon a filing by the entity and a
11 18 finding by the commissioner that the suspension is reasonable
11 19 based on the financial condition of the entity or that the
11 20 suspension will enhance the efficiency and fairness of the
11 21 marketplace for long-term care insurance.

11 22 Sec. 10. Section 217.41A, Code 2007, is repealed.

11 23 Sec. 11. APPLICABILITY. The section of this Act that
11 24 amends section 514A.3, subsection 2, applies to policies or
11 25 contracts of accident and sickness insurance delivered or
11 26 issued for delivery or continued or renewed in this state on
11 27 or after July 1, 2008.

11 28 EXPLANATION

11 29 This bill relates to health care reform including health
11 30 information technology, wellness initiatives, coverage for
11 31 preexisting conditions, continuation of coverage for certain
11 32 dependent children, and limitations on rate increases for
11 33 long-term care insurance.

11 34 The bill provides definitions, principles, and goals for
11 35 the Iowa health information technology system. The bill



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 695 continued

12 1 creates an electronic health information commission as a
12 2 public and private collaborative effort and directs the
12 3 commission to establish an advisory council to assist the
12 4 commission in its duties; to adopt a statewide health
12 5 information technology plan by January 1, 2009; to identify
12 6 existing efforts and integrate these efforts to avoid
12 7 incompatibility and duplication; to coordinate public and
12 8 private efforts to provide the network backbone; to promote
12 9 the use of telemedicine; to address the workforce needs
12 10 generated by increased use of health information technology;
12 11 to adopt necessary rules; to coordinate, monitor, and evaluate
12 12 the adoption, use, interoperability, and efficiencies of the
12 13 various facets of health information technology in the state;
12 14 to seek and apply for federal or private funding to assist in
12 15 implementing the system; and to identify state laws and rules
12 16 that present barriers to the development of the health
12 17 information technology system in the state.

12 18 The bill requires that by January 1, 2010, all health care
12 19 professionals utilize the patient identifier and continuity of
12 20 care record specified by the commission.

12 21 New Code section 135.27A creates a keep Iowa healthy fund
12 22 in the office of the treasurer of state under the control of
12 23 the department of public health. Moneys in the fund are
12 24 appropriated to pay for community wellness initiatives or for
12 25 distribution to county public health agencies to provide
12 26 health care screenings, mental health services, and other
12 27 county-based services to low-income Iowans. The moneys may
12 28 also be used for wellness projects submitted by public or
12 29 private organizations.

12 30 New Code section 422.12K creates an income tax checkoff for
12 31 wellness that allows a person who files an Iowa individual or
12 32 joint income tax return to designate that \$1 or more be paid
12 33 to the keep Iowa healthy fund to support fund activities as
12 34 specified in Code section 135.27A.

12 35 Code section 509.3 is amended to require a group policy of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 695 continued

13 1 accident or health insurance to permit continuation of
13 2 coverage for an unmarried dependent child of an insured or
13 3 enrollee who so elects, until the dependent is 25 years old or
13 4 for as long as the dependent is a full-time college student,
13 5 whichever occurs last.

13 6 Code section 513B.2(6)(b) is amended to require an
13 7 insurance carrier that provides small group health care
13 8 coverage to establish additional groupings of small employers
13 9 on the basis of underwriting criteria which are expected to
13 10 produce substantial variation in health care costs, and to
13 11 offer health insurance coverage to a bona fide association
13 12 utilizing the rating bands devised pursuant to the additional
13 13 groupings established.

13 14 Code section 514A.3(2) is amended to provide that an
13 15 individual policy or contract of accident and sickness
13 16 insurance delivered or issued for delivery in this state must
13 17 include a provision that allows a person who is accepted for
13 18 coverage to be considered to have satisfied preexisting
13 19 conditions waiting period requirements of the policy or
13 20 contract to the extent that such waiting periods were
13 21 satisfied in prior continuous creditable coverage under a
13 22 group policy or contract. The provision applies to policies
13 23 or contracts of accident and sickness insurance delivered or
13 24 issued for delivery or continued or renewed in this state on
13 25 or after July 1, 2008.

13 26 Code section 514A.3(2) is also amended to require an
13 27 individual policy or contract of accident and sickness
13 28 insurance to permit continuation of coverage for an unmarried
13 29 dependent child of an insured or enrollee who so elects, until
13 30 the dependent is 25 years old or for as long as the dependent
13 31 is a full-time college student, whichever occurs last.

13 32 Code section 514G.7(5) is amended to require the
13 33 commissioner of insurance to adopt rules providing for
13 34 preapproval of filings for actuarially justified rate
13 35 increases for long-term care insurance but limits such rate



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 695 continued

14 1 increases to no more than 12 percent in any one year. The
14 2 commissioner may suspend such rules as to premium rates
14 3 applicable to one or more entities subject to regulation under
14 4 this Code chapter upon a finding that the suspension is
14 5 reasonable based on the financial condition of the entity or
14 6 that the suspension will enhance the efficiency and fairness
14 7 of the marketplace for long-term care insurance.
14 8 LSB 5712XL 82
14 9 av/rj/14.1



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 21, 2008

House Study Bill 696

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 LOCAL GOVERNMENT BILL BY
 CHAIRPERSON GASKILL)

Passed House, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the office of the county recorder by making
 2 changes to fees charged by the county recorder, information
 3 required to be endorsed on certain recorded documents and
 4 instruments, and standards for indexes maintained by the
 5 county recorder.
 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 7 TLSB 5763HC 82
 8 md/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

PAG LIN

1 1 Section 1. Section 10A.108, subsections 4 through 6, Code
1 2 2007, are amended to read as follows:

1 3 4. The county recorder of each county shall prepare and
1 4 maintain in the recorder's office an index of liens of debts
1 5 established based upon benefits or provider payments
1 6 inappropriately obtained from and owed the department of human
1 7 services, ~~which provides~~ containing the applicable entries
1 8 specified in sections 558.49 and 558.52, and providing

1 9 appropriate columns for all of the following data, under the
1 10 names of debtors, arranged alphabetically:

1 11 a. The name of the debtor.

1 12 b. "State of Iowa, Department of Human Services" as
1 13 claimant.

1 14 c. The time that the notice of the lien was ~~received~~
1 15 recorded.

1 16 d. The date of notice.

1 17 e. The amount of the lien currently due.

1 18 f. The date of the assessment.

1 19 g. The date of satisfaction of the debt.

1 20 h. Any extension of the time period for application of the
1 21 lien and the date that the notice for extension was filed.

1 22 5. The recorder shall endorse on each notice of lien the
1 23 day and time ~~received~~ recorded and the document reference
1 24 number, and shall preserve the notice. The recorder shall

1 25 index the notice and shall record the lien in the manner
1 26 provided for recording real estate mortgages. The lien ~~shall~~
1 27 ~~be is~~ effective from the time of the indexing.

1 28 6. The department shall pay, from moneys appropriated to
1 29 the department for this purpose, a recording ~~fee~~ fees as
1 30 provided in section 331.604, for the recording of the lien, or
1 31 for satisfaction of the lien.

1 32 Sec. 2. Section 96.14, subsection 3, unnumbered paragraph
1 33 1, Code Supplement 2007, is amended to read as follows:

1 34 The county recorder of each county shall prepare and keep
1 35 in the recorder's office an index ~~to show~~ containing the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

2 1 applicable entries specified in sections 558.49 and 558.52 and
2 2 showing the following data, under the names of employers,
2 3 arranged alphabetically:
2 4 Sec. 3. Section 96.14, subsection 3, paragraph c, Code
2 5 Supplement 2007, is amended to read as follows:
2 6 c. Time notice of lien was ~~received~~ recorded.
2 7 Sec. 4. Section 96.14, subsection 3, unnumbered paragraphs
2 8 4 and 5, Code Supplement 2007, are amended to read as follows:
2 9 The recorder shall endorse on each notice of lien the day,
2 10 hour, and minute when ~~received~~ recorded and the document
2 11 reference number, and shall index the notice in the index, and
2 12 shall record the lien in the manner provided for recording
2 13 real estate mortgages, and the. The lien shall be is
2 14 effective from the time of the indexing of the lien.
2 15 The department shall pay a recording ~~fee~~ fees as provided
2 16 in section 331.604, for the recording of the lien, or for its
2 17 satisfaction.
2 18 Sec. 5. Section 124C.4, subsection 3, Code 2007, is
2 19 amended to read as follows:
2 20 3. Each notice of lien shall be endorsed with the day,
2 21 hour, and minute when the notice was ~~received~~ recorded and the
2 22 document reference number, and the notice shall be preserved,
2 23 indexed, and recorded in the manner provided for recording
2 24 real estate mortgages. The lien shall be is effective from
2 25 the time of its indexing. The department shall pay a
2 26 recording fee fees as provided by section 331.604 for the
2 27 recording of the lien or for its satisfaction.
2 28 Sec. 6. Section 331.602, subsections 8 and 37, Code 2007,
2 29 are amended to read as follows:
2 30 8. Endorse on each notice of an unemployment contribution
2 31 lien the day, hour, and minute that the lien is ~~received from~~
2 32 ~~the department of workforce development~~ recorded and the
2 33 document reference number, index the notice of lien, and
2 34 record the lien as provided in section 96.14, subsection 3.
2 35 37. Carry out duties relating to the indexing of name



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

3 1 changes, and the recorder shall charge ~~a fee~~ fees for indexing
3 2 as provided in section 331.604.

3 3 Sec. 7. Section 331.604, Code 2007, is amended to read as
3 4 follows:

3 5 331.604 ~~GENERAL RECORDING AND FILING FEE FEES.~~

3 6 1. Except as otherwise provided by state law, subsection ~~2~~
3 7 4, or section 331.605, the recorder shall collect a fee of
3 8 five dollars for each page or fraction of a page of an
3 9 instrument which is filed or recorded in the recorder's
3 10 office. If a page or fraction of a page contains more than
3 11 one transaction, the recorder shall collect the fee for each
3 12 transaction.

3 13 2. a. The recorder shall also collect a fee of one dollar
3 14 for each recorded transaction for which a fee is paid pursuant
3 15 to subsection 1 to be used exclusively for the purpose of
3 16 preserving and maintaining public records. The treasurer, on
3 17 behalf of the recorder, shall establish and maintain a county
3 18 recorder's records management fund into which all moneys
3 19 collected pursuant to this subsection shall be deposited.
3 20 Interest earned on moneys deposited in the fund shall be
3 21 credited to the county recorder's records management fund.
3 22 The recorder shall use the moneys deposited in the fund to
3 23 produce and maintain public records that meet archival
3 24 standards, and to enhance the technological storage,
3 25 retrieval, and transmission capabilities related to archival
3 26 quality records. The recorder may cooperate with other
3 27 entities, boards, and agencies to establish methods of records
3 28 management, and participate in other joint ventures which
3 29 further the purposes of this subsection.

3 30 b. Fees collected pursuant to this subsection shall be
3 31 used to accomplish the following purposes:

3 32 (1) Preserve and maintain public records.

3 33 (2) Assist counties in reducing record preservation costs.

3 34 (3) Encourage and foster maximum access to public records
3 35 maintained by county recorders at locations throughout the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

4 1 state.

4 2 (4) Establish plans for anticipated and possible future
4 3 needs, including the handling and preservation of vital
4 4 statistics.

4 5 3. a. The county recorder shall also collect a fee of one
4 6 dollar for each recorded transaction, regardless of the number
4 7 of pages, for which a fee is paid pursuant to subsection 1 to
4 8 be used for the purpose set forth in paragraph "c".

4 9 b. The county treasurer, on behalf of the recorder, shall
4 10 establish and maintain a county recorder's electronic
4 11 transaction fund into which all moneys collected pursuant to
4 12 paragraph "a" shall be deposited. Interest earned on moneys
4 13 deposited in this fund shall be computed based on the average
4 14 monthly balance in the fund and shall be credited to the
4 15 county recorder's electronic transaction fund.

4 16 c. The local government electronic transaction fund is
4 17 established in the office of the treasurer of state under the
4 18 control of the treasurer of state. Moneys deposited into the
4 19 fund are not subject to section 8.33. Notwithstanding section
4 20 12C.7, interest or earnings on moneys in the local government
4 21 electronic transaction fund shall be credited to the fund.

4 22 Moneys in the local government electronic transaction fund are
4 23 not subject to transfer, appropriation, or reversion to any
4 24 other fund, or any other use except as provided in this
4 25 paragraph "c". On a monthly basis, the county treasurer shall
4 26 pay each fee collected pursuant to paragraph "a" to the
4 27 treasurer of state for deposit into the local government
4 28 electronic transaction fund. Moneys credited to the local
4 29 government electronic transaction fund are appropriated to the
4 30 treasurer of state to be used for the purpose of planning and
4 31 implementing electronic recording and electronic transactions
4 32 in each county and developing county and statewide internet
4 33 web sites to provide electronic access to records and
4 34 information and to pay the ongoing costs of integrating and
4 35 maintaining the statewide internet web site.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

5 1 d. The recorder shall make available any information
5 2 required by the county auditor or auditor of state concerning
5 3 the fees collected under this subsection for the purposes of
5 4 determining the amount of fees collected and the uses for
5 5 which such fees are expended.

5 6 ~~2.~~ 4. A county shall not be required to pay a fee to the
5 7 recorder for filing or recording instruments.

5 8 Sec. 8. Section 331.605B, subsection 1, Code 2007, is
5 9 amended to read as follows:

5 10 1. The recorder shall make available any information
5 11 required by the county or state auditor concerning the fees
5 12 collected under section ~~331.605A~~ 331.604, subsection 2, for
5 13 the purposes of determining the amount of fees collected and
5 14 the uses for which such fees are expended.

5 15 Sec. 9. Section 331.606B, subsection 2, unnumbered
5 16 paragraph 1, Code 2007, is amended to read as follows:

5 17 For any document or instrument of conveyance, the name of
5 18 the property taxpayer and the taxpayer's complete mailing
5 19 address is required on the first page of the document below
5 20 the three-inch margin. Each document or instrument, other
5 21 than a plat or survey or a drawing related to a plat or
5 22 survey, that is presented for recording shall contain the
5 23 following information on the first page below the three-inch
5 24 margin:

5 25 Sec. 10. Section 331.606B, subsection 2, paragraph b, Code
5 26 2007, is amended by striking the paragraph.

5 27 Sec. 11. Section 331.606B, subsection 6, Code 2007, is
5 28 amended to read as follows:

5 29 6. a. On and after July 1, 2005, a document or instrument
5 30 that does not conform to the format standards specified in
5 31 subsections 1 through 3 shall not be ~~recorded~~ accepted for
5 32 recording except upon payment of an additional recording fee
5 33 of ten dollars per document or instrument. The requirement
5 34 applies only to documents or instruments dated on or after
5 35 July 1, 2005, and does not apply to those documents or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

6 1 instruments specifically exempted in subsection 4.

6 2 b. On and after July 1, 2008, a document or instrument

6 3 that does not conform to the format standards specified in

6 4 subsection 1, paragraphs "c" and "e", shall not be accepted

6 5 for recording. This paragraph applies only to documents or

6 6 instruments dated on or after July 1, 2008, and does not apply

6 7 to those documents or instruments specifically exempted in

6 8 subsection 4.

6 9 Sec. 12. Section 331.607, subsection 5, Code 2007, is

6 10 amended by striking the subsection and inserting in lieu

6 11 thereof the following:

6 12 5. An index for records of private drainage systems as

6 13 provided in section 468.623.

6 14 Sec. 13. Section 331.609, subsection 4, Code 2007, is

6 15 amended to read as follows:

6 16 4. The ~~fee~~ fees for filing or recording, and indexing each

6 17 notice of lien or certificate or notice affecting the lien

6 18 shall be as provided in section 331.604. The officer shall

6 19 bill the internal revenue service or any other appropriate

6 20 federal agency on a monthly basis for fees for documents filed

6 21 or recorded by it.

6 22 Sec. 14. Section 359A.10, Code 2007, is amended to read as

6 23 follows:

6 24 359A.10 ENTRY AND RECORD OF ORDERS.

6 25 Such orders, decisions, notices, and returns shall be

6 26 entered of record at length by the township clerk, and a copy

6 27 thereof certified by the township clerk to the county

6 28 recorder, who shall record the same in the recorder's office

6 29 in a book kept for that purpose, and index such record in the

6 30 name of each adjoining owner as grantor to the other. The

6 31 county recorder shall collect fees specified in section

6 32 331.604.

6 33 Sec. 15. Section 359A.12, Code 2007, is amended to read as

6 34 follows:

6 35 359A.12 DIVISION BY AGREEMENT == RECORD.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

7 1 The several owners may, in writing, agree upon the portion
7 2 of partition fences between their lands which shall be erected
7 3 and maintained by each, which writing shall describe the lands
7 4 and the parts of the fences so assigned, be signed and
7 5 acknowledged by them, and filed and recorded in the office of
7 6 the recorder of deeds of the county or counties in which they
7 7 are situated. The county recorder shall collect fees
7 8 specified in section 331.604.

7 9 Sec. 16. Section 422.26, subsections 4 and 5, Code 2007,
7 10 are amended to read as follows:

7 11 4. The county recorder of each county shall keep in the
7 12 recorder's office an index ~~and record to show~~ containing the
7 13 applicable entries in sections 558.49 and 558.52 and showing
7 14 the following data, under the names of taxpayers, arranged
7 15 alphabetically:

- 7 16 a. The name of the taxpayer.
- 7 17 b. The name "State of Iowa" as claimant.
- 7 18 c. Time notice of lien was ~~received~~ recorded.
- 7 19 d. Date of notice.
- 7 20 e. Amount of lien then due.
- 7 21 f. Date of assessment.
- 7 22 g. When satisfied.

7 23 The recorder shall endorse on each notice of lien the day,
7 24 hour, and minute when ~~received and~~ recorded and the document
7 25 reference number, shall preserve the same, and shall index the
7 26 notice in the index and shall record the lien in the manner
7 27 provided for recording real estate mortgages, and the. The
7 28 lien ~~shall be~~ is effective from the time of the indexing of
7 29 the lien.

7 30 5. The department shall pay a recording ~~fee~~ fees as
7 31 provided in section 331.604, for the recording of the lien, or
7 32 for its satisfaction.

7 33 Sec. 17. Section 424.11, unnumbered paragraphs 4 and 5,
7 34 Code 2007, are amended to read as follows:

7 35 The recorder shall endorse on each notice of lien the day,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

8 1 hour, and minute when ~~received~~ recorded and the document
8 2 reference number, and shall preserve the notice,~~and~~. The
8 3 recorder shall also immediately index the notice and record
8 4 the lien in the manner provided for recording real estate
8 5 mortgages,~~and the~~. The lien shall be effective from the time
8 6 of its indexing.
8 7 The department shall pay ~~a~~ recording ~~fee~~ fees as provided
8 8 in section 331.604, for the recording of the lien, or for its
8 9 satisfaction.
8 10 Sec. 18. Section 437A.11, unnumbered paragraph 2, Code
8 11 2007, is amended to read as follows:
8 12 The county recorder of each county shall ~~prepare and keep~~
8 13 ~~in the recorder's office an~~ index each lien showing the
8 14 applicable entries specified in sections 558.49 and 558.52 and
8 15 record to show showing, under the names of taxpayers arranged
8 16 alphabetically, all of the following:
8 17 Sec. 19. Section 437A.11, subsection 3, Code 2007, is
8 18 amended to read as follows:
8 19 3. Time the notice of lien was ~~received~~ recorded.
8 20 Sec. 20. Section 437A.11, unnumbered paragraphs 3 through
8 21 5, Code 2007, are amended to read as follows:
8 22 The recorder shall endorse on each notice of lien the day,
8 23 hour, and minute when ~~received and preserve such notice, and~~
8 24 recorded and the document reference number, shall preserve
8 25 such notice, shall index the notice in the index, and shall
8 26 promptly record the lien in the manner provided for recording
8 27 real estate mortgages. The lien is effective from the time of
8 28 the indexing of the lien.
8 29 The county treasurer or chief financial officer of the city
8 30 shall pay ~~a~~ recording ~~fee~~ fees as provided in section 331.604,
8 31 for the recording of the lien, or for its satisfaction.
8 32 Upon the payment of the replacement tax as to which a
8 33 county treasurer or chief financial officer of a city has
8 34 filed notice with a county recorder, the county treasurer or
8 35 chief financial officer of the city shall promptly file with



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

9 1 the recorder a satisfaction of the replacement tax. The
9 2 recorder shall ~~enter the satisfaction on the record the notice~~
9 3 ~~on file in the recorder's office and indicate that fact on the~~
~~9 4 index of satisfaction showing the applicable entries specified~~
9 5 in sections 558.49 and 558.52.

9 6 Sec. 21. Section 437A.22, unnumbered paragraph 3, Code
9 7 2007, is amended to read as follows:

9 8 The county recorder of each county shall ~~prepare and keep~~
~~9 9 in the recorder's office an index each lien showing the~~
9 10 ~~applicable entries specified in sections 558.49 and 558.52 and~~
9 11 ~~record to show showing~~, under the names of taxpayers arranged
9 12 alphabetically, all of the following:

9 13 Sec. 22. Section 437A.22, subsection 3, Code 2007, is
9 14 amended to read as follows:

9 15 3. Time the notice of lien was ~~received~~ recorded.

9 16 Sec. 23. Section 437A.22, unnumbered paragraphs 4 and 5,
9 17 Code 2007, are amended to read as follows:

9 18 The recorder shall endorse on each notice of lien the day,
9 19 hour, and minute when ~~received and~~ recorded and the document
9 20 reference, shall preserve such notice, and shall promptly
9 21 record the lien in the manner provided for recording real
9 22 estate mortgages. The lien is effective from the time of the
9 23 indexing of the lien.

9 24 The director, from moneys appropriated to the department of
9 25 revenue for this purpose, shall pay ~~a~~ recording ~~fee~~ fees as
9 26 provided in section 331.604 for the recording of the lien, or
9 27 for its satisfaction.

9 28 Sec. 24. Section 468.623, Code 2007, is amended to read as
9 29 follows:

9 30 468.623 PRIVATE DRAINAGE SYSTEM == RECORD.

9 31 1. Any person who has provided a system of drainage on
9 32 land owned by the person may have the same made a matter of
9 33 record in the office of the county recorder of the county in
9 34 which the drainage system is located, provided any drainage
9 35 system constructed after July 1, 1969, shall be made a matter



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

10 1 of record, ~~as is hereinafter provided~~ and shall contain the
10 2 applicable entries specified in sections 558.49 and 558.52.
10 3 2. Records under subsection 1 may be used to give the
10 4 owner's name, description of tracts of land drained, stating
10 5 the time when the drainage system was established, the kind,
10 6 quality, and brand of tile used, the name and place of the
10 7 manufacturing plant, the name of contractors who laid the
10 8 tile, the name of the engineer in charge of the survey and
10 9 installation, the cost of tile, delivery, installation, and
10 10 engineering expense, depths, grades, outlets, connections,
10 11 contracts for agreements with adjoining landowners as to
10 12 connections, and any other matters or information that may be
10 13 considered of value, and such information may be furnished by
10 14 the landowner or the engineer having charge of the
10 15 installation and certified to under oath.
10 16 Sec. 25. Section 468.626, Code 2007, is amended to read as
10 17 follows:
10 18 468.626 ORIGINAL PLAT FILED.
10 19 In lieu of making the record as herein provided, any
10 20 landowner may file with the county recorder the original plat
10 21 used in the establishment of ~~said~~ the drainage system, or a
10 22 copy ~~thereof~~ of the plat, which shall be certified by the
10 23 engineer having made the same. If practicable, a plat filed
10 24 under this section shall be made a matter of record and shall
10 25 contain the applicable entries specified in sections 558.49
10 26 and 558.52.
10 27 Sec. 26. Section 468.628, Code 2007, is amended to read as
10 28 follows:
10 29 468.628 FEES FOR RECORD AND COPIES RECORDING.
10 30 ~~The county~~ When information is filed with the county
10 31 recorder pursuant to section 468.623 or 468.626, the recorder
10 32 shall be entitled to collect recording fees for the filing and
10 33 information heretofore provided for, and for the making of
10 34 copies of such records the same as is provided for other work
10 35 of a similar nature in the amounts specified in section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

11 1 331.604.

11 2 Sec. 27. Section 547.3, Code 2007, is amended to read as
11 3 follows:

11 4 547.3 FEE FOR RECORDING.

11 5 The county recorder shall ~~charge and receive a fee collect~~
11 6 fees in the amount specified in section 331.604 for each

11 7 verified statement recorded under this chapter. The recorder
11 8 may return the original instrument to the sender or dispose of
11 9 the instrument if the sender does not wish to have the
11 10 instrument returned. An instrument filed in the recorder's
11 11 office before July 1, 1990, may be returned to the sender or
11 12 disposed of if the sender does not wish to have the instrument
11 13 returned and if there is an official copy of the instrument in
11 14 the recorder's office.

11 15 Sec. 28. Section 557.24, Code 2007, is amended to read as
11 16 follows:

11 17 557.24 FEE.

11 18 A person having the name of the person's farm recorded as
11 19 provided in section 557.22 shall first pay to the county
11 20 recorder ~~a fee in the amount~~ the fees specified in section
11 21 331.604, which ~~fee~~ shall be paid to the county treasurer as
11 22 other fees are paid to the county treasurer by the recorder.

11 23 Sec. 29. Section 557.26, Code 2007, is amended to read as
11 24 follows:

11 25 557.26 CANCELLATION == FEE.

11 26 If the owner of a registered farm desires to cancel the
11 27 registered name of the farm, the owner shall acknowledge
11 28 cancellation of the name by execution of an instrument in
11 29 writing referring to the farm name, and shall record the
11 30 instrument. For the latter service the county recorder shall
11 31 ~~charge a fee in~~ collect the ~~amount~~ fees specified in section
11 32 331.604, which shall be paid to the county treasurer as other
11 33 fees are paid to the county treasurer by the recorder.

11 34 Sec. 30. Section 558.55, Code Supplement 2007, is amended
11 35 to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

12 1 558.55 FILING AND INDEXING == CONSTRUCTIVE NOTICE.
12 2 The recorder must endorse upon every instrument properly
12 3 filed for ~~record~~ recording in the recorder's office, the day,
12 4 hour, and minute ~~of the filing~~ when recorded and the document
12 5 reference number, and enter in the index the entries required
12 6 to be entered pursuant to sections 558.49 and 558.52, ~~and the~~
12 7 ~~filing~~. The recording and indexing shall constitute
12 8 constructive notice to all persons of the rights of the
12 9 grantees conferred by the instruments.
12 10 Sec. 31. Section 558.66, unnumbered paragraph 1, Code
12 11 2007, is amended to read as follows:
12 12 Upon receipt of a certificate issued by the clerk of the
12 13 district court or clerk of the supreme court indicating that
12 14 the title to real estate has been finally established in any
12 15 named person by judgment or decree or by will or by affidavit
12 16 of or on behalf of a surviving spouse that has been recorded
12 17 by the recorder, the auditor shall enter the information in
12 18 the certificate upon the transfer books, upon payment of a fee
12 19 in the amount specified in section 331.507, subsection 2,
12 20 paragraph "a". In the case of the affidavit filed with the
12 21 recorder, the fee set forth in section 331.507, subsection 2,
12 22 paragraph "a", and the ~~fee~~ fees set forth in section 331.604,
12 23 shall be collected by the recorder and paid to the treasurer
12 24 as provided in section 331.902, subsection 3.
12 25 Sec. 32. Section 598.21, subsection 2, Code Supplement
12 26 2007, is amended to read as follows:
12 27 2. DUTIES OF COUNTY RECORDER. The county recorder shall
12 28 record each quitclaim deed or change of title and shall
12 29 collect the fee specified in section 331.507, subsection 2,
12 30 paragraph "a", and the ~~fee~~ fees specified in section 331.604,
12 31 ~~subsection 1~~.
12 32 Sec. 33. Section 633.481, Code 2007, is amended to read as
12 33 follows:
12 34 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
12 35 WITHOUT ADMINISTRATION.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 696 continued

13 1 When an inventory or report is filed under section 450.22,
13 2 without administration of the estate of the decedent, the heir
13 3 or heir's attorney shall prepare and deliver to the county
13 4 recorder of the county in which the real estate is situated a
13 5 certificate pertaining to each parcel of real estate described
13 6 in the inventory or report. Any fees for certificates or
13 7 recording fees required by this section or section 633.480
13 8 shall be assessed as costs of administration. The ~~fee~~ fees
13 9 for recording and indexing the instrument shall be as provided
13 10 in section 331.604. The county recorder shall deliver the
13 11 certificates to the county auditor as provided in section
13 12 558.58.

13 13 Sec. 34. Section 674.14, Code 2007, is amended to read as
13 14 follows:

13 15 674.14 INDEXING IN REAL PROPERTY RECORD.

13 16 The county recorder and county auditor of each county in
13 17 which the petitioner owns real property shall ~~charge~~ collect
13 18 fees in the amounts specified in sections 331.604 and 331.507,
13 19 subsection 2, paragraph "b", for indexing a change of name for
13 20 each parcel of real estate.

13 21 Sec. 35. Sections 331.605A, 331.605C, 468.624, and
13 22 468.625, Code 2007, are repealed.

13 23 EXPLANATION

13 24 This bill makes changes relating to the office of county
13 25 recorder.

13 26 The bill makes changes relating to certain documents filed
13 27 with the county recorder and specifies that the county
13 28 recorder must endorse upon each document or instrument, in
13 29 addition to other information, the document reference number.

13 30 The bill incorporates the document management fee in Code
13 31 section 331.605A and the electronic transaction fee in Code
13 32 section 331.605C into the other existing recording and filing
13 33 fee provisions under Code section 331.604.

13 34 The bill requires certain indexes under the control of the
13 35 county recorder to include applicable entries required to be



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 696 continued

14 1 made for conveyances of property. The bill repeals Code
14 2 sections 468.624 and 468.625 pertaining to private drainage
14 3 system plat books and record books and directs those records
14 4 to be maintained in accordance with the index requirements of
14 5 other indexes maintained by the county recorder.

14 6 The bill allows a county recorder to refuse to record a
14 7 document or instrument that does not conform to the format
14 8 standards pertaining to legibility, signatures, and the
14 9 printing of names on the document or instrument.

14 10 The bill also allows a county recorder to collect recording
14 11 fees for orders, decisions, and notices made by a fence viewer
14 12 and written agreements between adjoining landowners.

14 13 LSB 5763HC 82

14 14 md/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 697

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON OLSON)

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring public notification of any emergency bypass by a
- 2 public sewage or waste disposal facility.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5114HC 82
- 5 jr/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 697 continued

PAG LIN

1 1 Section 1. Section 455B.173, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. Establish, modify, or repeal rules relating to the
1 4 location, construction, operation, and maintenance of disposal
1 5 systems and public water supply systems and specifying the
1 6 conditions, including the viability of a system pursuant to
1 7 section 455B.174, under which the director shall issue,
1 8 revoke, suspend, modify, or deny permits for the operation,
1 9 installation, construction, addition to, or modification of
1 10 any disposal system or public water supply system, or for the
1 11 discharge of any pollutant.
1 12 a. The rules specifying the conditions under which the
1 13 director shall issue permits for the construction of an
1 14 electric power generating facility subject to chapter 476A
1 15 shall provide for issuing a conditional permit upon the
1 16 submission of engineering descriptions, flow diagrams and
1 17 schematics that qualitatively and quantitatively identify
1 18 effluent streams and alternative disposal systems that will
1 19 provide compliance with effluent standards or limitations.
1 20 b. No rules shall be adopted which regulate the hiring or
1 21 firing of operators of disposal systems or public water supply
1 22 systems except rules which regulate the certification of
1 23 operators as to their technical competency.
1 24 c. A publicly owned treatment works whose discharge meets
1 25 the final effluent limitations which were contained in its
1 26 discharge permit on the date that construction of the publicly
1 27 owned treatment works was approved by the department shall not
1 28 be required to meet more stringent effluent limitations for a
1 29 period of ten years from the date the construction was
1 30 completed and accepted but not longer than twelve years from
1 31 the date that construction was approved by the department.
1 32 d. Rules adopted pursuant to this subsection shall include
1 33 a public notification procedure requiring that a publicly
1 34 owned treatment works provide public notice of any emergency
1 35 bypass of the treatment works. The procedure shall specify



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 697 continued

2 1 the method and frequency of the notification, which at a
2 2 minimum shall include publication in a newspaper of general
2 3 circulation in the area affected by the bypass. The rules
2 4 shall also specify the form and content of the notification
2 5 which shall include all of the following:
2 6 (1) A description of event or problem that caused the
2 7 bypass.
2 8 (2) Identification of any contaminants released, the
2 9 volume of the release, any health hazards associated with the
2 10 release, the nature of any threat to public health posed by
2 11 these contaminants, and how the affected public may minimize
2 12 that threat.
2 13 (3) Information concerning efforts to stop the release and
2 14 a time frame for the completion of those efforts.

2 15 EXPLANATION

2 16 This bill requires the environmental protection commission
2 17 to create, by rule, a procedure requiring a publicly owned
2 18 treatment works to provide public notice of any emergency
2 19 bypass of the treatment works. Code section 455B.241,
2 20 subsection 5, defines treatment works as "any plant, disposal
2 21 field, lagoon, holding or flow-regulating basin, pumping
2 22 station, interceptor sewer, or other works installed for the
2 23 purpose of treating, stabilizing, or disposing of sewage,
2 24 industrial waste, or other wastes". At a minimum that notice
2 25 includes publication in a newspaper of general circulation in
2 26 the area affected by the bypass. The rules shall also specify
2 27 the form and content of the notification.
2 28 LSB 5114HC 82
2 29 jr/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 699

HOUSE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the regulation of transactions involving
2 grain, by providing for the regulation of grain dealers and
3 warehouse operators, and providing for the administration of
4 the grain indemnity fund.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 6074HC 82
7 da/nh/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 699 continued

PAG LIN

1 1 Section 1. Section 203.1, subsection 7, Code Supplement
 1 2 2007, is amended to read as follows:
 1 3 7. "Financial institution" means a any of the following:
 1 4 a. A bank or savings and loan association authorized by
 1 5 the laws of this state, any other state, of Iowa or by the
~~1 6 laws of the United States, which is a member of the federal~~
~~1 7 deposit insurance corporation or the federal savings and loan~~
~~1 8 insurance corporation, respectively; or the national.~~
 1 9 b. A bank for cooperatives established in the Agricultural
~~1 10 Credit Act, Pub. L. No. 100-233 or association chartered by~~
 1 11 the farm credit system under the federal Farm Credit Act, as
 1 12 amended, 12 U.S.C. ch. 23.
 1 13 Sec. 2. Section 203.1, Code Supplement 2007, is amended by
 1 14 adding the following new subsection:
 1 15 NEW SUBSECTION. 14. "Warehouse operator" means the same
 1 16 as defined in section 203C.1.
 1 17 Sec. 3. Section 203.3, subsection 4, paragraph b,
 1 18 unnumbered paragraph 1, Code 2007, is amended to read as
 1 19 follows:
 1 20 The grain dealer shall submit, as required by the
 1 21 department, a financial statement that is accompanied by an
 1 22 unqualified opinion based upon an audit performed by a
 1 23 certified public accountant licensed in this state. However,
 1 24 the department may accept a qualification in an opinion that
 1 25 is unavoidable by any audit procedure that is permitted under
 1 26 generally accepted accounting principles. An opinion that is
 1 27 qualified because of a limited audit procedure or because the
 1 28 scope of an audit is limited shall not be accepted by the
 1 29 department. The department shall not require that a grain
 1 30 dealer submit more than one such unqualified opinion per year.
 1 31 The grain dealer, except as provided in section 203.15, may
 1 32 elect to submit a financial statement that is accompanied by
 1 33 the report of a certified public accountant licensed in this
 1 34 state that is based upon a review performed by the certified
 1 35 public accountant in lieu of the audited financial statement



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 699 continued

2 1 specified in this paragraph. However, at any time the
2 2 department may require a financial statement that is
2 3 accompanied by the report of a certified public accountant
2 4 licensed in this state that is based upon a review performed
2 5 by a certified public accountant if the department has good
2 6 cause. A grain dealer shall submit financial statements to
2 7 the department in addition to those required in this paragraph
2 8 if the department determines that it is necessary to verify
2 9 the grain dealer's financial status or compliance with this
2 10 subsection.

2 11 Sec. 4. Section 203.3, subsection 5, paragraph b,
2 12 unnumbered paragraph 1, Code 2007, is amended to read as
2 13 follows:

2 14 The grain dealer shall submit, as required by the
2 15 department, a financial statement that is accompanied by an
2 16 unqualified opinion based upon an audit performed by a
2 17 certified public accountant licensed in this state. However,
2 18 the department may accept a qualification in an opinion that
2 19 is unavoidable by any audit procedure that is permitted under
2 20 generally accepted accounting principles. An opinion that is
2 21 qualified because of a limited audit procedure or because the
2 22 scope of an audit is limited shall not be accepted by the
2 23 department. The department shall not require that a grain
2 24 dealer submit more than one such unqualified opinion per year.
2 25 The grain dealer may elect, however, to submit a financial
2 26 statement that is accompanied by the report of a certified
2 27 public accountant licensed in this state that is based upon a
2 28 review performed by the certified public accountant in lieu of
2 29 the audited financial statement specified in this paragraph.
2 30 However, at any time the department may require a financial
2 31 statement that is accompanied by the report of a certified
2 32 public accountant licensed in this state that is based upon a
2 33 review performed by a certified public accountant if the
2 34 department has good cause. A grain dealer shall submit
2 35 financial statements to the department in addition to those



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 699 continued

3 1 required in this paragraph if the department determines that
3 2 it is necessary to verify the grain dealer's financial status
3 3 or compliance with this section.

3 4 Sec. 5. Section 203.11B, subsection 4, paragraph d, Code
3 5 2007, is amended to read as follows:

3 6 d. The findings and recommendations of the panel shall be
3 7 included in a response delivered to the department and the
3 8 person subject to the civil penalty. The response may include
3 9 a recommendation that a proposed civil penalty be modified or
3 10 suspended, that an alternative method of collection be
3 11 instituted, or that conditions be placed upon the license of a
3 12 grain dealer as provided in section 203.3 or the license of a
3 13 warehouse operator as provided in section 203C.6.

3 14 Sec. 6. Section 203.15, subsection 4, paragraph b, Code
3 15 2007, is amended to read as follows:

3 16 b. A grain dealer ~~holding a federal or state warehouse~~
3 17 ~~license who is also a warehouse operator licensed by the~~
3 18 ~~department under chapter 203C or the United States department~~
3 19 ~~of agriculture under the United States Warehouse Act, 7 U.S.C.~~
3 20 ~~241 et seq., and~~ who does not have a sufficient quantity or
3 21 quality of grain to satisfy the warehouse operator's
3 22 obligations based on an examination by the department or the
3 23 United States department of agriculture shall not purchase
3 24 grain on credit-sale contract to correct the shortage of
3 25 grain.

3 26 Sec. 7. Section 203.15, subsection 5, paragraphs a and b,
3 27 Code 2007, are amended to read as follows:

3 28 a. The grain dealer ~~holding a federal or state warehouse~~
3 29 ~~license who is also a warehouse operator licensed by the~~
3 30 ~~department under chapter 203C or the United States department~~
3 31 ~~of agriculture under the United States Warehouse Act, 7 U.S.C.~~
3 32 ~~241 et seq.,~~ does not have a sufficient quantity or quality of
3 33 grain to satisfy the warehouse operator's obligations based on
3 34 an examination by the department or the United States
3 35 department of agriculture.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 699 continued

4 1 b. The grain dealer ~~holding a state or federal warehouse~~
4 2 ~~license who is also a warehouse operator licensed by the~~
4 3 ~~department under chapter 203C or the United States department~~
4 4 ~~of agriculture under the United States Warehouse Act, 7 U.S.C.~~
4 5 ~~241 et seq., issues back to the grain dealer a warehouse~~
4 6 ~~receipt for purposes of providing collateral, if the grain~~
4 7 ~~which is the subject of the warehouse receipt was purchased on~~
4 8 ~~credit and is unpaid for by the grain dealer.~~

4 9 Sec. 8. Section 203.17, Code 2007, is amended to read as
4 10 follows:

4 11 203.17 ~~STANDARDIZATION OF RECORDS AND DOCUMENTS AND~~
4 12 ~~RECORDS.~~

4 13 1. The department may adopt rules specifying the form,
4 14 content, ~~and~~ use, and maintenance of documents issued by a
4 15 grain dealer under this chapter including but not limited to
4 16 scale tickets, settlement sheets, daily position records, and
4 17 credit-sale contracts. The department may adopt rules for
4 18 both printed and electronic documents, including rules for the
4 19 transmission, receipt, authentication, and archiving of
4 20 electronically generated or stored documents.

4 21 2. All scale ticket forms in the possession of a grain
4 22 dealer shall have been permanently and consecutively numbered
4 23 at the time of printing. A grain dealer shall maintain an
4 24 accurate record of all scale ticket numbers. The record shall
4 25 include the disposition of each numbered form, whether issued,
4 26 destroyed, or otherwise disposed of.

4 27 Sec. 9. Section 203C.1, subsection 9, Code 2007, is
4 28 amended by striking the subsection and inserting the
4 29 following:

4 30 9. "Financial institution" means the same as defined in
4 31 section 203.1.

4 32 Sec. 10. Section 203C.5, Code 2007, is amended to read as
4 33 follows:

4 34 203C.5 ~~RULES == DOCUMENTS AND FORMS.~~

4 35 1. The department shall adopt rules as it deems necessary



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 699 continued

5 1 for the efficient administration of this chapter, and may
5 2 designate an employee or officer of the department to act for
5 3 the department in any details connected with administration,
5 4 including the issuance of licenses and approval of deficiency
5 5 bonds or irrevocable letters of credit in the name of the
5 6 department, but not including matters requiring a public
5 7 hearing or suspension or revocation of licenses.

5 8 2. a. The department may adopt rules specifying the form,
5 9 content, and use of documents issued by a warehouse operator
5 10 under this chapter including but not limited to scale tickets,
5 11 warehouse receipts, settlement sheets, and daily position
5 12 records, ~~shipping ledgers, and other documents used by~~
5 13 ~~licensed warehouses.~~ The department may adopt rules for both
5 14 printed and electronic documents, including rules for the
5 15 transmission, receipt, authentication, and archiving of
5 16 electronically generated or stored documents.

5 17 b. All scale ticket forms and warehouse receipt forms in
5 18 the possession of a warehouse operator shall have been
5 19 permanently and consecutively numbered at the time of
5 20 printing. A warehouse operator shall maintain an accurate
5 21 record of the numbers of these documents. The record shall
5 22 include the disposition of each form, whether issued,
5 23 destroyed, or otherwise disposed of. The department may by
5 24 rule require this use of prenumbered forms and recording for
5 25 documents other than scale tickets and warehouse receipts.

5 26 Sec. 11. Section 203C.6, subsection 4, paragraph b, Code
5 27 Supplement 2007, is amended to read as follows:

5 28 b. The warehouse operator shall submit, as required by the
5 29 department, a financial statement that is accompanied by an
5 30 unqualified opinion based upon an audit performed by a
5 31 certified public accountant licensed in this state. However,
5 32 the department may accept a qualification in an opinion that
5 33 is unavoidable by any audit procedure that is permitted under
5 34 generally accepted accounting principles. An opinion that is
5 35 qualified because of a limited audit procedure or because the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 699 continued

6 1 scope of an audit is limited shall not be accepted by the
6 2 department. The department shall not require that a warehouse
6 3 operator submit more than one such unqualified opinion per
6 4 year. The warehouse operator may elect, however, to submit a
6 5 financial statement that is accompanied by the report of a
6 6 certified public accountant licensed in this state that is
6 7 based upon a review performed by the certified public
6 8 accountant in lieu of the audited financial statement
6 9 specified in this paragraph. However, at any time the
6 10 department may require a financial statement that is
6 11 accompanied by the report of a certified public accountant
6 12 licensed in this state that is based upon a review performed
6 13 by a certified public accountant if the department has good
6 14 cause. A warehouse operator shall submit financial statements
6 15 to the department in addition to those required in this
6 16 paragraph if the department determines that it is necessary to
6 17 verify the warehouse operator's financial status or compliance
6 18 with this subsection.

6 19 Sec. 12. Section 203C.6, subsection 5, paragraph b, Code
6 20 Supplement 2007, is amended to read as follows:

6 21 b. The warehouse operator shall submit, as required by the
6 22 department, a financial statement that is accompanied by an
6 23 unqualified opinion based upon an audit performed by a
6 24 certified public accountant licensed in this state. However,
6 25 the department may accept a qualification in an opinion that
6 26 is unavoidable by any audit procedure that is permitted under
6 27 generally accepted accounting principles. An opinion that is
6 28 qualified because of a limited audit procedure or because the
6 29 scope of an audit is limited shall not be accepted by the
6 30 department. The department shall not require that a warehouse
6 31 operator submit more than one such unqualified opinion per
6 32 year. The warehouse operator may elect, however, to submit a
6 33 financial statement that is accompanied by the report of a
6 34 certified public accountant licensed in this state that is
6 35 based upon a review performed by the certified public



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 699 continued

7 1 accountant in lieu of the audited financial statement
7 2 specified in this paragraph. However, at any time the
7 3 department may require a financial statement that is
7 4 accompanied by the report of a certified public accountant
7 5 licensed in this state that is based upon a review performed
7 6 by a certified public accountant if the department has good
7 7 cause. A warehouse operator shall submit financial statements
7 8 to the department in addition to those required in this
7 9 paragraph if the department determines that it is necessary to
7 10 verify the warehouse operator's financial status or compliance
7 11 with this subsection.

7 12 Sec. 13. Section 203D.1, subsections 3 and 9, Code 2007,
7 13 are amended to read as follows:

7 14 3. "Depositor" means a person who deposits grain in a
7 15 state licensed warehouse for storage, handling, or shipment,
7 16 or who is the owner or legal holder of an outstanding
7 17 warehouse receipt issued by a state licensed warehouse, or who
7 18 is lawfully entitled to possession of the grain.

7 19 9. "Seller" means a person who sells grain which the
7 20 person has produced or caused to be produced to a licensed
7 21 grain dealer, but excludes a person who executes a credit sale
7 22 contract as a seller as provided in section 203.15. However,
7 23 "seller" does not include a any of the following:

7 24 a. A person licensed as a grain dealer in any jurisdiction
7 25 who sells grain to a licensed grain dealer.

7 26 b. A person who sells grain that is not delivered within
7 27 or into this state.

7 28 Sec. 14. Section 203D.1, Code 2007, is amended by adding
7 29 the following new subsection:

7 30 NEW SUBSECTION. 6A. "Licensed warehouse" means the same
7 31 as defined in section 203C.1.

7 32 Sec. 15. Section 203D.3, subsection 3, paragraph a,
7 33 subparagraph (3), unnumbered paragraph 1, Code 2007, is
7 34 amended to read as follows:

7 35 For licensed warehouse operators ~~or participating federally~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

~~House Study Bill 699 continued~~

~~8 1 licensed grain warehouses the following:~~
8 2 Sec. 16. Section 203D.4, subsection 1, Code 2007, is
8 3 amended to read as follows:
8 4 1. The Iowa grain indemnity fund board is established to
8 5 advise the department on matters relating to the fund and to
8 6 perform the duties provided it in this chapter. The board is
8 7 composed of the secretary of agriculture or a designee who
8 8 shall serve as president; the commissioner of insurance or a
8 9 designee who shall serve as secretary; the state treasurer or
8 10 a designee who shall serve as treasurer; and four
8 11 representatives of the grain industry appointed by the
8 12 governor, subject to confirmation by the senate, two of whom
8 13 shall be representatives of producers and who shall be
8 14 actively participating producers, and two of whom shall be
8 15 representatives of licensed grain dealers and licensed
8 16 warehouse operators and who shall be actively participating
8 17 licensed grain dealers and licensed warehouse operators, each
8 18 of whom shall be selected from a list of three nominations
8 19 made by the secretary of agriculture. The term of membership
8 20 of the grain industry representatives is three years, and the
8 21 representatives are eligible for reappointment. However, only
8 22 actively participating producers, and grain dealers and
8 23 warehouse operators are eligible for reappointment. The grain
8 24 industry representatives are entitled to a per diem as
8 25 specified in section 7E.6 for each day spent in the
8 26 performance of the duties of the board, plus actual expenses
8 27 incurred in the performance of those duties. Four members of
8 28 the board constitute a quorum, and the affirmative vote of
8 29 four members is necessary for any action taken by the board,
8 30 except that a lesser number may adjourn a meeting. A vacancy
8 31 in the membership of the board does not impair the rights of a
8 32 quorum to exercise all the rights and perform all the duties
8 33 of the board.
8 34 Sec. 17. Section 203D.6, subsection 1, paragraph b, Code
8 35 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 699 continued

9 1 b. The filing of a petition in bankruptcy by a licensed
9 2 grain dealer or licensed warehouse operator.

9 3 Sec. 18. Section 203D.6, subsection 3, paragraph d, Code
9 4 2007, is amended to read as follows:

9 5 d. That the claim derives from a covered transaction. For
9 6 purposes of this paragraph, a claim derives from a covered
9 7 transaction if the claimant is a seller who transferred title
9 8 to the grain to ~~the~~ a licensed grain dealer other than by
9 9 credit sale contract within six months of the incurrence date,
9 10 or if the claimant is a depositor who delivered the grain to
9 11 ~~the~~ a licensed warehouse operator.

9 12 Sec. 19. Section 203D.6, Code 2007, is amended by adding
9 13 the following new subsection:

9 14 NEW SUBSECTION. 9. TIME LIMITATION ON CLAIMS.

9 15 a. A claim shall expire if five years after the board
9 16 determines that the claim is eligible, the claimant has failed
9 17 to do any of the following:

9 18 (1) Provide for the fund's subrogation or has failed to
9 19 render all necessary assistance to aid the department and the
9 20 board in securing the department's rights of subrogation as
9 21 required in this section.

9 22 (2) Failed to provide necessary documentation or
9 23 information required by the board in order to process the
9 24 claim.

9 25 b. The fund shall not be liable for the payment of an
9 26 expired claim.

9 27 EXPLANATION

9 28 This bill amends a number of Code chapters relating to
9 29 grain transactions involving grain dealers and grain warehouse
9 30 operators licensed by the department of agriculture and land
9 31 stewardship. Code chapter 203 regulates grain dealers, Code
9 32 chapter 203C regulates warehouse operators, and Code chapter
9 33 203D provides for the grain indemnity fund and the payment of
9 34 claims to sellers and depositors.

9 35 FINANCIAL INSTITUTIONS. The bill amends provisions in Code



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 699 continued

10 1 chapters 203 and 203C by modifying the definition of a
10 2 financial institution to include in=state and out=of=state
10 3 banks and savings and loan associations and replaces the
10 4 specific reference to the national bank for cooperatives with
10 5 any bank or association chartered by the federal farm credit
10 6 system. The Code chapters refer to financial institutions
10 7 when addressing requirements for issuing letters of credit and
10 8 for payment by electronic transfer.

10 9 FINANCIAL STATEMENTS. The bill amends several Code
10 10 sections providing for the licensure of grain dealers (class 1
10 11 or class 2) and warehouse operators (class 1 or class 2). The
10 12 bill authorizes the department to demand that a grain dealer
10 13 or warehouse operator submit financial statements to the
10 14 department as it determines necessary to verify the financial
10 15 status of the grain dealer or warehouse operator or compliance
10 16 with licensure requirements.

10 17 FEDERALLY LICENSED WAREHOUSES. The bill amends several
10 18 provisions in Code chapter 203 regulating credit sale
10 19 contracts which refer to federally licensed warehouses, by
10 20 citing the relevant federal statute, the United States
10 21 Warehouse Act. It also amends Code chapter 203D, by striking
10 22 an extraneous reference to operators of federal warehouses who
10 23 were allowed to participate in the fund.

10 24 ELECTRONIC DOCUMENTS. The bill authorizes the department
10 25 to adopt rules regarding electronic documents, including for
10 26 their transmission, receipt, authentication, and archiving.
10 27 For grain dealers, documents include scale tickets, settlement
10 28 sheets, daily position records, and credit=sale contracts, and
10 29 for warehouse operators documents include scale tickets,
10 30 warehouse receipts, settlement sheets, and daily position
10 31 records. The bill eliminates a reference to shipping ledgers.

10 32 LICENSURE TERMINOLOGY. The bill amends provisions in Code
10 33 chapter 203D to change the term "state warehouse" to "licensed
10 34 warehouse" to be compatible with provisions in Code chapter
10 35 203C regulating warehouses licensed by the department. Code



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 699 continued

11 1 section 203D.2 provides that persons participating in the fund
11 2 are licensed grain dealers and licensed warehouse operators,
11 3 and the bill makes a number of corresponding changes to
11 4 provide that a grain dealer or warehouse operator means a
11 5 person who is licensed under Code chapter 203 or 203C. The
11 6 bill amends Code section 203D.4, establishing the Iowa grain
11 7 indemnity fund board, to require that members representing
11 8 grain dealers and warehouse operators be licensed.
11 9 SELLERS PARTICIPATING IN THE FUND. The bill amends
11 10 provisions in Code chapter 203D which define a "seller" who
11 11 transfers grain to a licensed grain dealer and is therefore
11 12 eligible to be indemnified from the fund. The bill excludes a
11 13 seller who sells grain that is not delivered within or into
11 14 this state. The exemption is similar to that included in the
11 15 definition of "grain dealer" provided in Code section 203.1.
11 16 TIME LIMIT ON CLAIMS FOR INDEMNIFICATION. The bill
11 17 provides for the expiration of claims for indemnification
11 18 which would otherwise be eligible to be paid. It provides for
11 19 a five-year limitation upon a claimant who fails to provide
11 20 for the subrogation of an indemnity claim or to provide
11 21 necessary documentation or information required to process the
11 22 claim.
11 23 LSB 6074HC 82
11 24 da/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 702

HOUSE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act providing requirements for a nonresident of this state
2 engaged in the aerial application of pesticides, making
3 penalties applicable, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 6073HC 82
6 da/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 702 continued

PAG LIN

1 1 Section 1. Section 206.6, subsection 1, unnumbered
1 2 paragraph 2, Code 2007, is amended by striking the paragraph.
1 3 Sec. 2. Section 206.6, subsection 5, Code 2007, is amended
1 4 to read as follows:
1 5 5. ISSUE COMMERCIAL APPLICATOR LICENSE. ~~If the~~
1 6 a. The secretary ~~finds the~~ shall approve an application
1 7 and issue a commercial applicator license to the applicant as
1 8 follows:
1 9 (1) The applicant ~~is~~ qualified as found by the secretary
1 10 to apply pesticides in the classifications for which the
1 11 applicant has applied ~~and if the.~~
1 12 (2) The applicant ~~files the bonds or insurance~~ must
1 13 furnish to the department evidence of financial responsibility
1 14 as required under section 206.13, ~~and if the.~~
1 15 (3) An applicant applying for a license to engage in
1 16 aerial application of pesticides ~~has met~~ must meet all of the
1 17 requirements of the federal aviation administration, the
1 18 United States department of transportation, and any other
1 19 applicable federal or state laws or regulations to operate the
1 20 equipment described in the application, ~~the.~~ The secretary
1 21 shall adopt by rule, additional requirements for issuing a
1 22 license to a person who is a nonresident of this state engaged
1 23 in the aerial application of pesticides, which may include but
1 24 is not limited to conditions for the operation of the aircraft
1 25 and the application of the pesticides under the supervision of
1 26 a person who is a resident of this state and licensed as a
1 27 commercial applicator under this section or as a pesticide
1 28 dealer under section 206.8.
1 29 b. The secretary shall issue a commercial applicator
1 30 license limited to the classifications for which the applicant
1 31 is qualified, which shall expire at the end of the calendar
1 32 year of issue unless it has been revoked or suspended ~~prior~~
1 33 ~~thereto~~ by the secretary for cause. The secretary may limit
1 34 the license of the applicant to the use of certain pesticides,
1 35 or to certain areas, or to certain types of equipment if the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 702 continued

2 1 applicant is only so qualified. If a license is not issued as
2 2 applied for, the secretary shall inform the applicant in
2 3 writing of the reasons.

2 4 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
2 5 immediate importance, takes effect upon enactment.

2 6 EXPLANATION

2 7 This bill amends Code section 206.6 which in part requires
2 8 a person who is in the business of applying pesticides to be
2 9 issued a commercial applicator license by the department of
2 10 agriculture and land stewardship, and includes requirements
2 11 for nonresident aerial applicators.

2 12 The bill eliminates special requirements for a person
2 13 licensed as an aerial commercial applicator in another state
2 14 who applies pesticides in this state, including being under
2 15 the direct supervision of an aerial commercial applicator
2 16 licensed in this state. The resident aerial commercial
2 17 licensee is subject to several requirements: (1) being
2 18 jointly liable with the nonresident aerial commercial
2 19 applicator, and (2) immediately notifying the department of
2 20 the commencement and termination of the nonresident's service.

2 21 The bill amends Code section 206.6(5) which regulates all
2 22 commercial applicators, including pesticide aerial
2 23 applicators. The bill provides that the department must adopt
2 24 additional requirements for issuing a license to a person who
2 25 is a nonresident of this state engaged in the aerial
2 26 application of pesticides. The additional requirements may
2 27 include conditions for the operation of the aircraft and the
2 28 application of the pesticides under the supervision of a
2 29 person who is a resident of this state and licensed as a
2 30 commercial applicator or as a pesticide dealer (see Code
2 31 section 206.8).

2 32 Generally, a person who violates a provision of Code
2 33 section 206.6 is guilty of a serious misdemeanor (see Code
2 34 section 206.22). A serious misdemeanor is punishable by
2 35 confinement for no more than one year and a fine of at least



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 702 continued

3 1 \$315 but not more than \$1,875. A person may also be subject
3 2 to a civil penalty as determined by the department of up to
3 3 \$500 (see Code section 206.19).
3 4 The bill takes effect upon enactment.
3 5 LSB 6073HC 82
3 6 da/rj/14.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 705

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act regulating persons who transport, handle, store, or apply
- 2 manure.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5425DP 82
- 5 da/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 705 continued

PAG LIN

1 1 Section 1. Section 459.102, Code 2007, is amended by
1 2 adding the following new subsection:

1 3 NEW SUBSECTION. 8A. "Business day" means a calendar day
1 4 except Saturday, Sunday, or a holiday specified in section
1 5 1C.2.

1 6 Sec. 2. Section 459.102, subsections 11 and 17, Code 2007,
1 7 are amended to read as follows:

1 8 11. "Commercial manure service" means a sole proprietor or
1 9 business association as defined in section 202B.102, engaged
1 10 in the business of transporting, handling, storing, or
1 11 applying manure for ~~a fee.~~ compensation, but does not include
1 12 a person who only receives compensation for the manure
1 13 originating from that person's own animal feeding operation or
1 14 for applying manure originating from that person's own animal
1 15 feeding operation.

1 16 17. a. "Confinement site manure applicator" means a
1 17 person, other than a commercial manure service or a commercial
1 18 manure service representative, who transports, handles, or
1 19 applies manure on to land if the manure originates from a
1 20 manure storage confinement feeding operation structure.

1 21 b. "Confinement site manure applicator" includes a person
1 22 who conducts any activity involved in transferring manure from
1 23 a confinement feeding operation structure to its application
1 24 on land but does not include a person who only transfers
1 25 manure within a confinement feeding operation structure,
1 26 transfers manure in an exclusively dry form between
1 27 confinement feeding operation structures at a confinement
1 28 feeding operation, or transfers manure inside below-ground
1 29 piping between such confinement feeding operation structures.

1 30 Sec. 3. Section 459.315, subsection 2, Code 2007, is
1 31 amended to read as follows:

1 32 2. a. A person required to be certified as a commercial
1 33 manure service representative must be certified by the
1 34 department each year. The certification expires on March 1 of
1 35 each year. The person shall be certified after completing an



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 705 continued

2 1 educational program which shall consist of ~~an~~ any of the
2 2 following:
2 3 (1) An examination required to be passed by the person ~~or~~
~~2 4 three.~~
2 5 (2) At least two hours of continuing instructional courses
2 6 which the person must attend each year ~~in lieu of passing the~~
~~2 7 examination. However, the department may require that the~~
2 8 person attend up to one additional hour of continuing
2 9 instructional courses each year.
2 10 b. A person required to be certified as a confinement site
2 11 manure applicator must be certified by the department ~~every~~
~~2 12 three years each year. However, if the person is exempt from~~
~~2 13 paying the certification fee because a family member has paid~~
~~2 14 a certification fee as provided in section 459.400, the~~
~~2 15 person's certification shall expire on the same date that the~~
~~2 16 paid family member's certification expires. A The~~
2 17 certification expires on March 1 of each year. The person
2 18 shall be certified after completing an educational program
2 19 which shall consist of ~~an~~ any of the following:
2 20 (1) An examination required to be passed by the person ~~or~~
~~2 21 two.~~
2 22 (2) At least two hours of continuing instructional courses
2 23 which the person must attend each year ~~in lieu of passing the~~
~~2 24 examination.~~
2 25 Sec. 4. Section 459.315, subsection 5, paragraph a,
2 26 subparagraph (2), unnumbered paragraph 1, Code 2007, is
2 27 amended to read as follows:
2 28 The person transports, handles, stores, or applies manure
2 29 for a period of ~~thirty ten business~~ days from the date of
2 30 initial employment as a commercial manure service
2 31 representative and all of the following apply:
2 32 Sec. 5. Section 459.315, subsection 5, paragraph a,
2 33 subparagraph (2), subparagraph subdivision (a), Code 2007, is
2 34 amended to read as follows:
2 35 (a) The person completes and submits a form as required by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 705 continued

3 1 the department documenting that the person is actively seeking
3 2 certification under this section.

3 3 Sec. 6. Section 459.315, subsection 5, paragraph b,
3 4 subparagraph (2), subparagraph subdivision (b), Code 2007, is
3 5 amended to read as follows:

3 6 (b) In sight or ~~hearing~~ immediate communication distance
3 7 of the supervised person.

3 8 Sec. 7. Section 459.315, subsection 5, Code 2007, is
3 9 amended by adding the following new paragraph:

3 10 NEW PARAGRAPH. c. This subsection shall not be construed
3 11 to exempt a person from being required to be certified as a
3 12 confinement site manure applicator merely because the person
3 13 is not required to be certified as a commercial manure service
3 14 representative.

3 15 Sec. 8. Section 459.400, subsection 1, paragraph d,
3 16 subparagraph (2), subparagraph subdivision (a), Code 2007, is
3 17 amended to read as follows:

3 18 (a) ~~The person is certified within one year from the date~~
~~3 19 that a~~ A family member has been certified as a confinement
3 20 site manure applicator.

3 21 Sec. 9. CURRENT CERTIFICATIONS.

3 22 1. This Act shall not affect the duration of a three-year
3 23 certification issued by the department of natural resources to
3 24 a person as a confinement site manure applicator pursuant to
3 25 section 459.315 prior to the effective date of this Act, if
3 26 all of the following apply:

3 27 a. The certification is valid on the date immediately
3 28 prior to the effective date of this Act.

3 29 b. The person complies with the applicable requirements
3 30 provided in chapter 459, including section 459.315 as amended
3 31 by this Act.

3 32 2. The person's three-year certification shall remain
3 33 valid regardless of whether the person paid a certification
3 34 fee or was exempt from paying the certification fee as
3 35 provided in sections 459.315 and 459.400, as those sections



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 705 continued

4 1 existed on the date immediately prior to the effective date of
4 2 this Act.

4 3 3. At the end of the duration of the person's
4 4 certification as a confinement site manure applicator as
4 5 provided in section 459.315 as that section existed on the
4 6 date immediately prior to the effective date of this Act, the
4 7 person's certification shall expire and the person shall only
4 8 be certified as a confinement site manure applicator on an
4 9 annual basis as provided in section 459.315, as amended by
4 10 this Act.

4 11 4. The department may adopt rules as necessary to
4 12 implement this section.

4 13 EXPLANATION

4 14 GENERAL. This bill provides for the licensure of a
4 15 commercial manure service (service), and the certification of
4 16 a commercial manure service representative (representative),
4 17 and a confinement site manure applicator (applicator) by the
4 18 department of natural resources.

4 19 Currently, a service is engaged in the business of
4 20 transporting, handling, storing, or applying manure for a fee.
4 21 A representative is involved as a manager or employee of the
4 22 service. An applicator is a person other than a service or
4 23 representative who applies manure on land if the manure
4 24 originates from a confinement feeding operation. A service
4 25 must be licensed and a representative or operator must be
4 26 certified by the department.

4 27 DEFINITIONS. The bill amends Code section 459.102 which in
4 28 part defines a service and operator. For the definition of a
4 29 service, the bill substitutes the term compensation for fee
4 30 and provides that a confinement site manure applicator is not
4 31 a person who only receives compensation for the manure
4 32 originating from that person's own animal feeding operation or
4 33 for applying manure originating from that person's own animal
4 34 feeding operation. The bill expands the definition of a
4 35 confinement site manure applicator to include a person who not



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 705 continued

5 1 only applies but who may also transport or handle manure. The
5 2 bill further provides that a confinement site manure
5 3 applicator includes a person who is involved in transferring
5 4 manure from a confinement feeding operation structure, but not
5 5 a person who only: (1) transfers manure within a confinement
5 6 feeding operation structure, (2) transfers manure in an
5 7 exclusively dry form between confinement feeding operations at
5 8 a confinement feeding operation, or (3) transfers manure
5 9 inside below-ground piping between confinement feeding
5 10 operation structures.

5 11 CERTIFICATION. The bill amends Code section 459.315 to
5 12 provide an exemption from certification for a commercial
5 13 manure service representative who is seeking certification.
5 14 Under current law, a representative must be certified by the
5 15 department each year. The bill provides the certification
5 16 expires on March 1. The bill reduces the number of hours of
5 17 continuing instructional courses required to be completed each
5 18 year in order for a person to be certified as a commercial
5 19 manure service representative. The bill reduces the number
5 20 from three to two, but provides that the department may
5 21 require that persons attend up to one additional hour each
5 22 year.

5 23 The bill also amends certification requirements for
5 24 confinement site manure applicators. The bill changes the
5 25 duration of a certification from three years to one year, and
5 26 provides that the expiration date is March 1. The bill
5 27 provides that the new requirements do not affect the duration
5 28 of a three-year certification issued by the department prior
5 29 to the effective date of the bill. However, after the
5 30 person's three-year certification expires, the bill requires
5 31 that the person be certified on an annual basis.

5 32 UNCERTIFIED APPLICATION. The bill reduces from 30 calendar
5 33 days to 10 business days the time period in which an
5 34 uncertified commercial manure service representative may act
5 35 under the supervision of a certified representative, and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 705 continued

6 1 provides that the representative must complete and submit a
6 2 form for certification as required by the department.
6 3 Under current law, certain persons are not required to be
6 4 certified as a confinement site manure applicator, including a
6 5 person who is acting under the instructions and control of a
6 6 certified applicator who is physically present at the site
6 7 where the manure is located and is in sight or hearing
6 8 distance of the supervised person. The bill provides that the
6 9 person being supervised must be within the immediate
6 10 communication distance of the supervisor in lieu of hearing
6 11 distance. The bill also provides that a person is not exempt
6 12 from being certified as an applicator merely because the
6 13 person is not required to be certified as a representative.
6 14 LSB 5425DP 82
6 15 da/rj/8.1



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 21, 2008

House Study Bill 707

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 JUDICIARY BILL BY
 CHAIRPERSON SWAIM)

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
 Approved

A BILL FOR

- 1 An Act relating to statutory corrections which may adjust
- 2 language to reflect current practices, insert earlier
- 3 omissions, delete redundancies and inaccuracies, delete
- 4 temporary language, resolve inconsistencies and conflicts,
- 5 update ongoing provisions, or remove ambiguities, and
- 6 including effective and retroactive applicability date
- 7 provisions.
- 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 9 TLSB 5698HC 82
- 10 lh/rj/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

PAG LIN

1 1 DIVISION I
 1 2 MISCELLANEOUS PROVISIONS
 1 3 Section 1. Section 1C.2, Code 2007, is amended to read as
 1 4 follows:
 1 5 1C.2 PAID HOLIDAYS.
 1 6 1. State employees are granted, except as provided in ~~the~~
~~1 7 fourth paragraph of this section subsection 3,~~ the following
 1 8 holidays off from employment with pay:
 1 9 ~~1.~~ a. New Year's Day, January 1.
 1 10 ~~2.~~ b. Martin Luther King, Jr.'s Birthday, the third
 1 11 Monday in January.
 1 12 ~~3.~~ c. Memorial Day, the last Monday in May.
 1 13 ~~4.~~ d. Independence Day, July 4.
 1 14 ~~5.~~ e. Labor Day, the first Monday in September.
 1 15 ~~6.~~ f. Veterans Day, November 11.
 1 16 ~~7.~~ g. Thanksgiving Day, the fourth Thursday in November.
 1 17 ~~8.~~ h. Friday after Thanksgiving, the Friday following
 1 18 Thanksgiving Day.
 1 19 ~~9.~~ i. Christmas Day, December 25.
~~1 20 10. Two days of paid leave each year to be added to the~~
~~1 21 vacation allowance and accrued under the provisions of section~~
~~1 22 70A.1.~~
 1 23 2. a. State employees are granted two days of paid leave
 1 24 each year to be added to the vacation allowance and accrued
 1 25 under the provisions of section 70A.1. ~~The~~ In addition, an
 1 26 appointing authority shall grant not more than four additional
 1 27 days of paid leave each year as required to implement contract
 1 28 provisions negotiated pursuant to chapter 20.
 1 29 b. The executive council may designate days off from
 1 30 employment with pay in addition to those enumerated in this
 1 31 section for state employees at its discretion.
 1 32 3. If a holiday enumerated in this section falls on
 1 33 Saturday, the preceding Friday shall be granted and if a
 1 34 holiday enumerated in this section falls on Sunday, the
 1 35 following Monday shall be granted. In those cases, where by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

2 1 nature of the employment a state employee must be required to
2 2 work on a holiday the provisions of ~~the first paragraph of~~
~~2 3 this section~~ subsection 1 shall not apply, however,
2 4 compensation shall be made on the basis of the employee's
2 5 straight time hourly rate for a forty-hour workweek and shall
2 6 be made in either compensatory time off or cash payment, at
2 7 the discretion of the appointing authority unless otherwise
2 8 provided for in a collective bargaining agreement.
2 9 Notwithstanding any other provision of this section, an
2 10 employee of the state who does not accrue sick leave or
2 11 vacation, and who works on a holiday, shall receive regular
2 12 pay for the hours worked on that holiday and shall not
2 13 otherwise earn holiday compensatory pay.
2 14 4. A holiday or paid leave granted to a state employee
2 15 under this section shall be in addition to vacation time to
2 16 which a state employee is entitled under section 70A.1.
2 17 Sec. 2. Section 2.40, subsection 1, Code 2007, is amended
2 18 to read as follows:
2 19 1. a. A member of the general assembly may elect to
2 20 become a member of a state group insurance plan for employees
2 21 of the state established under chapter 509A subject to the
2 22 following conditions:
2 23 a. (1) The member shall be eligible for all state group
2 24 insurance plans on the basis of enrollment rules established
2 25 for full-time state employees excluded from collective
2 26 bargaining as provided in chapter 20.
2 27 b. (2) The member shall pay the premium for the plan
2 28 selected on the same basis as a full-time state employee
2 29 excluded from collective bargaining as provided in chapter 20.
2 30 c. (3) The member shall authorize a payroll deduction of
2 31 the premium due according to the member's pay plan selected
2 32 pursuant to section 2.10, subsection 4.
2 33 d. (4) The premium rate shall be the same as the premium
2 34 rate paid by a state employee for the plan selected.
2 35 ~~b. A member of the general assembly may elect to become a~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

~~House Study Bill 707 continued~~

~~3 1 member of a state group insurance plan. A member of the~~
3 2 general assembly may continue membership in a state group
3 3 insurance plan without reapplication during the member's
3 4 tenure as a member of consecutive general assemblies. For the
3 5 purpose of electing to become a member of the state health or
3 6 medical service group insurance plan, a member of the general
3 7 assembly has the status of a "new hire", full-time state
3 8 employee following each election of that member in a general
3 9 or special election, or during the first subsequent annual
3 10 open enrollment.

3 11 c. In lieu of membership in a state health or medical
3 12 group insurance plan, a member of the general assembly may
3 13 elect to receive reimbursement for the costs paid by the
3 14 member for a continuation of a group coverage (COBRA) health
3 15 or medical insurance plan. The member shall apply for
3 16 reimbursement by submitting evidence of payment for a COBRA
3 17 health or medical insurance plan. The maximum reimbursement
3 18 shall be no greater than the state's contribution for health
3 19 or medical insurance family plan II.

3 20 d. A member of the general assembly who elects to become a
3 21 member of a state health or medical group insurance plan shall
3 22 be exempted from preexisting medical condition waiting
3 23 periods. A member of the general assembly may change programs
3 24 or coverage under the state health or medical service group
3 25 insurance plan during the month of January of odd-numbered
3 26 years, but program and coverage change selections shall be
3 27 subject to the enrollment rules established for full-time
3 28 state employees excluded from collective bargaining as
3 29 provided in chapter 20.

3 30 e. A person who has been a member of the general assembly
3 31 for two years and who has elected to be a member of a state
3 32 health or medical group insurance plan may continue to be a
3 33 member of such state health or medical group insurance plan by
3 34 requesting continuation in writing to the finance officer
3 35 within thirty-one days after leaving office. The continuing



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

4 1 former member of the general assembly shall pay the total
4 2 premium for the state plan and shall have the same rights to
4 3 change programs or coverage as state employees. This
4 4 paragraph shall not be construed to permit a former member to
4 5 become a member of a state health or medical group insurance
4 6 plan providing programs or coverage of a type that the former
4 7 member did not elect to continue pursuant to this paragraph.
4 8 f. In the event of the death of a former member of the
4 9 general assembly who has elected to continue to be a member of
4 10 a state health or medical group insurance plan, the surviving
4 11 spouse of the former member whose insurance would otherwise
4 12 terminate because of the death of the former member may elect
4 13 to continue to be a member of such state health or medical
4 14 group insurance plan by requesting continuation in writing to
4 15 the finance officer within thirty-one days after the death of
4 16 the former member. The surviving spouse of the former member
4 17 shall pay the total premium for the state plan and shall have
4 18 the same rights to change programs or coverage as state
4 19 employees. For purposes of this paragraph, health or medical
4 20 programs or coverage and dental programs or coverage are to be
4 21 treated separately and the rights to change programs or
4 22 coverage apply only to the type of programs or coverage that
4 23 the continuing former member has elected to continue. This
~~4 24 paragraph shall not be construed to permit a former member to~~
~~4 25 become a member of a state health or medical group insurance~~
~~4 26 plan providing programs or coverage of a type that the former~~
~~4 27 member did not elect to continue pursuant to this paragraph.~~
4 28 Sec. 3. Section 2C.16, Code 2007, is amended to read as
4 29 follows:
4 30 2C.16 RECOMMENDATIONS TO AGENCY.
4 31 1. ~~If,~~ The citizens' aide shall state recommendations to
4 32 an agency, if, after having considered a complaint and
4 33 whatever material the citizens' aide deems pertinent, the
4 34 citizens' aide finds substantiating facts ~~that~~ for any of the
4 35 following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

- 5 1 ~~1.~~ a. A matter should be further considered by the
5 2 agency~~;~~.
- 5 3 ~~2.~~ b. An administrative action should be modified or
5 4 canceled~~;~~.
- 5 5 ~~3.~~ c. A rule on which an administrative action is based
5 6 should be altered~~;~~.
- 5 7 ~~4.~~ d. Reasons should be given for an administrative
5 8 action~~;~~ ~~or~~.
- 5 9 ~~5.~~ e. Any other action should be taken by the agency, ~~the~~
~~5 10 citizens' aide shall state the recommendations to the agency.~~
- 5 11 2. If the citizens' aide requests, the agency shall,
5 12 within twenty working days notify the citizens' aide of any
5 13 action taken on the recommendations or the reasons for not
5 14 complying with them.
- 5 15 3. If the citizens' aide believes that an administrative
5 16 action has occurred because of laws of which results are
5 17 unfair or otherwise objectionable, the citizens' aide shall
5 18 notify the general assembly concerning desirable statutory
5 19 change.
- 5 20 Sec. 4. Section 3.1, Code 2007, is amended to read as
5 21 follows:
- 5 22 3.1 FORM OF BILLS.
- 5 23 1. Bills designed to amend, revise, enact, codify, or
5 24 repeal a law:
- 5 25 ~~1.~~ a. Shall refer to the numbers of the sections or
5 26 chapters of the Code or Code Supplement to be amended or
5 27 repealed, but it is not necessary to refer to the sections or
5 28 chapters in the title.
- 5 29 ~~2.~~ b. Shall refer to the session of the general assembly
5 30 and the sections and chapters of the Acts to be amended if the
5 31 bill relates to a section or sections of an Act not appearing
5 32 in the Code or codified in a supplement to the Code.
- 5 33 ~~3.~~ c. All Shall express all references to statutes ~~shall~~
~~5 34 be expressed in numerals.~~
- 5 35 ~~4.~~ 2. The title to a bill shall contain a brief statement



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

6 1 of the purpose of the bill, however all detail matters
6 2 properly connected with the subject so expressed may be
6 3 omitted from the title.

6 4 Sec. 5. Section 3.3, Code Supplement 2007, is amended to
6 5 read as follows:

6 6 3.3 HEADNOTES AND HISTORICAL REFERENCES.

6 7 Proper headnotes may be placed at the beginning of a
6 8 section of a bill or a Code section, and at the end of a Code
6 9 section there may be placed a reference to the section number
6 10 of the Code, or any Iowa Act from which the matter of the Code
6 11 section was taken. However, except as provided for the
6 12 uniform commercial code, pursuant to section 554.1107,
6 13 headnotes shall not be considered as part of the law as
6 14 enacted. Historical references shall not be considered as a
6 15 part of the law as enacted.

6 16 Sec. 6. Section 4.13, Code 2007, is amended to read as
6 17 follows:

6 18 4.13 GENERAL SAVINGS PROVISION.

6 19 1. The ~~re-enactment~~ reenactment, revision, amendment, or
6 20 repeal of a statute does not affect any of the following:

6 21 ~~1.~~ a. The prior operation of the statute or any prior
6 22 action taken ~~thereunder;~~ under the statute.

6 23 ~~2.~~ b. Any validation, cure, right, privilege, obligation,
6 24 or liability previously acquired, accrued, accorded, or
6 25 incurred ~~thereunder;~~ under the statute.

6 26 ~~3.~~ c. Any violation ~~thereof~~ of the statute or penalty,
6 27 forfeiture, or punishment incurred in respect ~~thereto~~ to the
6 28 statute, prior to the amendment or repeal; or.

6 29 4. d. Any investigation, proceeding, or remedy in respect
6 30 of any privilege, obligation, liability, penalty, forfeiture,
6 31 or punishment; and the investigation, proceeding, or remedy
6 32 may be instituted, continued, or enforced, and the penalty,
6 33 forfeiture, or punishment imposed, as if the statute had not
6 34 been repealed or amended.

6 35 2. If the penalty, forfeiture, or punishment for any



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

7 1 offense is reduced by a ~~re-enactment~~ reenactment, revision, or
7 2 amendment of a statute, the penalty, forfeiture, or punishment
7 3 if not already imposed shall be imposed according to the
7 4 statute as amended.

7 5 Sec. 7. Section 7E.5, subsection 1, paragraph s, Code
7 6 2007, is amended to read as follows:

7 7 s. The department of human rights, created in section
7 8 216A.1, which has primary responsibility for services relating
7 9 to Latino persons, women, persons with disabilities, community
7 10 action agencies, criminal and juvenile justice planning, the
7 11 status of African-Americans, ~~and~~ deaf and hard-of-hearing
7 12 persons, and status of Iowans of Asian and Pacific Islander
7 13 heritage.

7 14 Sec. 8. Section 8A.101, subsection 1, unnumbered paragraph
7 15 1, Code Supplement 2007, is amended to read as follows:

7 16 "Agency" or "state agency" means a unit of state
7 17 government, which is an authority, board, commission,
7 18 committee, council, department, ~~examining or licensing board,~~
7 19 or independent agency as defined in section 7E.4, including
7 20 but not limited to each principal central department
7 21 enumerated in section 7E.5. However, "agency" or "state
7 22 agency" does not mean any of the following:

7 23 Sec. 9. Section 8F.2, subsection 1, Code Supplement 2007,
7 24 is amended to read as follows:

7 25 1. "Agency" means a unit of state government, which is an
7 26 authority, board, commission, committee, council, department,
7 27 ~~examining or licensing board,~~ or independent agency as defined
7 28 in section 7E.4, including but not limited to each principal
7 29 central department enumerated in section 7E.5. However,
7 30 "agency" does not mean the Iowa public employees' retirement
7 31 system created under chapter 97B, the public broadcasting
7 32 division of the department of education created under section
7 33 256.81, the statewide fire and police retirement system
7 34 created under chapter 411, or an agricultural commodity
7 35 promotion board subject to a producer referendum.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

8 1 Sec. 10. Section 9D.2, Code 2007, is amended to read as
8 2 follows:

8 3 9D.2 REGISTRATION REQUIRED.

8 4 1. a. A travel agency doing business in this state shall
8 5 register with the secretary of state as a travel agency if it
8 6 or its travel agent conducts the solicitation of an Iowa
8 7 resident.

8 8 b. A travel agency required to register under paragraph
8 9 "a" shall not permit a travel agent employed by the travel
8 10 agency to do business in this state unless the agency ~~has~~
~~8 11 filed the required registration statement~~ is registered with
8 12 the secretary of state.

8 13 2. A travel agent shall not knowingly do business in this
8 14 state unless and until the travel agency employing the travel
8 15 agent ~~has~~ is registered with the secretary of state as a
8 16 travel agency if the travel agency or any of the agency's
8 17 travel agents conduct the solicitation of an Iowa resident.

8 18 3. This section does not require registration for, or
8 19 prohibit, solicitation by mail or telecommunications of a
8 20 person with whom the travel agency has a previous travel
8 21 services provider=customer relationship, having previously
8 22 arranged travel related services for that customer on at least
8 23 one prior occasion.

8 24 4. "Doing business" in this state, for purposes of this
8 25 chapter, means any of the following:

8 26 a. Offering to sell or selling travel services, if the
8 27 offer is made or received within the state.

8 28 b. Offering to arrange, or arranging, travel services for
8 29 a fee or commission, direct or indirect, if the offer is made
8 30 or received in this state.

8 31 c. Offering to, or awarding travel services as a prize or
8 32 award, if the offer or award is made in or received in this
8 33 state.

8 34 5. An applicant shall complete ~~the~~ an application for
8 35 registration ~~statement~~ form provided by the secretary. The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

9 1 ~~registration statement~~ application form must be accompanied by
9 2 the required bond or evidence of financial responsibility and
9 3 the registration fee. The ~~registration statement~~ application
9 4 form shall include all of the following information:

9 5 a. The name and signature of an officer or partner of a
9 6 business entity or the names and signatures of the principal
9 7 owner and operator if the agency is a sole proprietorship.

9 8 b. The name, address, and telephone number of the
9 9 applicant and the name of all travel agents employed by the
9 10 applicant travel agency.

9 11 c. The name, address, and telephone number of any person
9 12 who owns or controls, directly or indirectly, ten percent or
9 13 more of the applicant.

9 14 d. If the applicant is a foreign corporation or business,
9 15 the name and address of the corporation's agent in this state
9 16 for service of process.

9 17 e. Any additional information required by rule adopted by
9 18 the secretary pursuant to chapter 17A.

9 19 6. The application form shall be accompanied by a written
9 20 irrevocable consent to service of process. The consent must
9 21 provide that actions in connection with doing business in this
9 22 state may be commenced against the registrant in the proper
9 23 jurisdiction in this state in which the cause of action may
9 24 arise, or in which the plaintiff may reside, by service of
9 25 process on the secretary as the registrant's agent and
9 26 stipulating and agreeing that such service of process shall be
9 27 taken and held in all courts to be as valid and binding as if
9 28 service of process had been made upon the person according to
9 29 the laws of this or any other state. The consent to service
9 30 of process shall be in such form and supported by such
9 31 additional information as the secretary may by rule require.

9 32 7. An annual registration fee as established by the
9 33 secretary by rule is required at the time the application for
9 34 registration ~~statement~~ form is filed with the secretary, and
9 35 on or before the anniversary date of the effective date of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

10 1 registration for each subsequent year. The registration fee
10 2 shall be established at a rate deemed reasonably necessary by
10 3 the secretary to support the administration of this chapter,
10 4 but not to exceed fifteen dollars per year per agency. If an
10 5 applicant or a registrant fails to pay the annual registration
10 6 fee, the application for registration or registration lapses
10 7 and becomes ineffective.

10 8 8. A registrant shall submit to the secretary corrections
10 9 to the information supplied in the registration ~~statement~~ form
10 10 within a reasonable time after a change in circumstances,
10 11 which circumstances would be required to be reported in an
10 12 initial application for registration ~~statement~~ form, except
10 13 travel agents' names as required in subsection 5, paragraph
10 14 "b". The names of travel agents shall be updated at the time
10 15 of annual registration.

10 16 9. The secretary may revoke or suspend a registration for
10 17 cause subject to the contested case provisions of chapter 17A.

10 18 Sec. 11. Section 9D.3, Code 2007, is amended to read as
10 19 follows:

10 20 9D.3 EVIDENCE OF FINANCIAL SECURITY.

10 21 1. An application for registration of a travel agency must
10 22 be accompanied by a surety or cash performance bond in
10 23 conformity with rules adopted by the secretary in the
10 24 principal amount of ten thousand dollars, with an aggregate
10 25 limit of ten thousand dollars. The bond shall be executed by
10 26 a surety company authorized to do business in this state, and
10 27 the bond shall be continuous in nature until canceled by the
10 28 surety with not less than sixty days' written notice to both
10 29 the ~~registrant~~ travel agency and to the secretary. The notice
10 30 shall indicate the surety's intent to cancel the bond on a
10 31 date at least sixty days after the date of the notice.

10 32 2. a. The bond shall be payable to the state for the use
10 33 and benefit of either:

10 34 ~~a-~~ (1) A person who is injured by the fraud,
10 35 misrepresentation, or financial failure of the travel agency



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

11 1 or a travel agent employed by the travel agency.

11 2 ~~b.~~ (2) The state on behalf of a person or persons under
11 3 paragraph "a".

11 4 b. The bond shall be conditioned such that the registrant
11 5 will pay any judgment recovered by a person in a court of this
11 6 state in a suit for actual damages, including reasonable
11 7 attorney's fees, or for rescission, resulting from a cause of
11 8 action involving the sale or offer of sale of travel services.
11 9 The bond shall be open to successive claims, but the aggregate
11 10 amount of the claims paid shall not exceed the principal
11 11 amount of the bond.

11 12 3. If ~~a~~ an applicant or registrant has contracted with the
11 13 airlines reporting corporation or the passenger network
11 14 services corporation, or similar organizations approved by the
11 15 secretary of state with equivalent bonding requirements for
11 16 participation, in lieu of the bond required by subsection 1,
11 17 the applicant or registrant may file with the secretary a
11 18 certified copy of the official approval and appointment of the
11 19 applicant or registrant from the airlines reporting
11 20 corporation or the passenger network services corporation.

11 21 4. In lieu of any bond or guarantee required to be
11 22 provided by this section, ~~a~~ an applicant or registrant may do
11 23 any of the following:

11 24 a. File with secretary proof of professional liability and
11 25 errors and omissions insurance in an amount of at least one
11 26 million dollars annually.

11 27 b. Deposit with the secretary cash, securities, or a
11 28 statement from a federally insured financial institution
11 29 guaranteeing the performance of the applicant or registrant up
11 30 to a maximum of ten thousand dollars to be held or applied to
11 31 the purposes to which the proceeds of the bond would otherwise
11 32 be applied.

11 33 Sec. 12. Section 13A.3, Code 2007, is amended to read as
11 34 follows:

11 35 13A.3 MEMBERSHIP AND TERMS.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

12 1 1. The council shall consist of five members as follows:
12 2 ~~1.~~ a. The attorney general or the attorney general's
12 3 designated representative.
12 4 ~~2.~~ b. The president of the Iowa county attorneys
12 5 association or its successor.
12 6 ~~3.~~ c. Three members elected by the Iowa county attorneys
12 7 association or its successor.
12 8 2. A member shall vacate an appointment upon termination
12 9 of the member's official position as a prosecuting attorney or
12 10 an attorney general. A vacancy shall be filled in the same
12 11 manner as the original appointment. A member appointed to
12 12 fill a vacancy created other than by expiration of a term on
12 13 the council shall be appointed for the unexpired term of the
12 14 member whom the new member is to succeed in the same manner as
12 15 the original appointment. Any member may be reappointed for
12 16 an additional term.
12 17 3. The terms of the elected members shall be three years
12 18 and shall ~~begin January 1, 1976, but initial terms shall be~~
12 19 ~~staggered so that the elected members shall serve terms of~~
~~12 20 one, two, and three years respectively~~ one member is elected
12 21 each year.
12 22 Sec. 13. Section 15.421, subsections 2 and 3, Code
12 23 Supplement 2007, are amended to read as follows:
12 24 2. a. The commission shall ~~consist of~~ include fifteen
12 25 voting members appointed by the governor, subject to
12 26 confirmation by the senate. At the time of appointment or
12 27 reappointment, a voting member shall be at least eighteen
12 28 years of age, but ~~less than thirty-five~~ years of age. The
12 29 voting membership shall reflect diversity within all of the
12 30 following areas:
12 31 (1) Geographic location within the state.
12 32 (2) Public, private, and nonprofit sector employment.
12 33 (3) Location of secondary and higher education within and
12 34 outside Iowa.
12 35 (4) Urban and rural residents.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

13 1 (5) Multicultural diversity.
13 2 b. Four members of the general assembly shall serve as
13 3 nonvoting, ex officio members of the commission with two from
13 4 the senate and two from the house of representatives and not
13 5 more than one member from each chamber being from the same
13 6 political party. The two senators shall be designated by the
13 7 president of the senate after consultation with the majority
13 8 and minority leaders of the senate. The two representatives
13 9 shall be designated by the speaker of the house of
13 10 representatives after consultation with the majority and
13 11 minority leaders of the house of representatives.
13 12 3. The voting members shall be appointed in compliance
13 13 with the requirements of sections 69.16, 69.16A, and 69.19,
13 14 and shall serve staggered, three-year terms as designated by
13 15 the governor. ~~Members~~ Voting members may be reappointed by
13 16 the governor provided the requirements of subsection 2 are
13 17 met.
13 18 Sec. 14. Section 15E.17, subsection 4, Code 2007, is
13 19 amended to read as follows:
13 20 4. Subsections 2 and 3 do not apply to the following:
13 21 a. The utilities division of the department of commerce
13 22 insofar as the information relates to public utilities.
13 23 b. The banking division of the department of commerce.
13 24 ~~e. The savings and loan division of the department of~~
~~13 25 commerce.~~
13 26 ~~d.~~ c. The credit union division of the department of
13 27 commerce.
13 28 Sec. 15. Section 15G.111, subsection 2, Code Supplement
13 29 2007, is amended to read as follows:
13 30 2. a. For the fiscal period beginning July 1, 2005, and
13 31 ending June 30, 2015, there is appropriated each fiscal year
13 32 from the grow Iowa values fund created in section 15G.108 to
13 33 the department of economic development five million dollars
13 34 for financial assistance to institutions of higher learning
13 35 under the control of the state board of regents for capacity



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

14 1 building infrastructure in areas related to technology
14 2 commercialization, for marketing and business development
14 3 efforts in areas related to technology commercialization,
14 4 entrepreneurship, and business growth, and for infrastructure
14 5 projects and programs needed to assist in the implementation
14 6 of activities under chapter 262B. In allocating moneys to
14 7 institutions under the control of the state board of regents,
14 8 the board shall require the institutions to provide a
14 9 one-to-one match of additional moneys for the activities
14 10 funded with moneys appropriated under this subsection. The
14 11 state board of regents shall annually prepare a report for
14 12 submission to the governor, the general assembly, and the
14 13 legislative services agency regarding the activities,
14 14 projects, and programs funded with moneys appropriated under
14 15 this subsection.

14 16 b. The state board of regents may allocate any moneys
14 17 appropriated under this subsection and received from the
14 18 department for financial assistance to a single biosciences
14 19 development organization determined by the department to
14 20 possess expertise in promoting the area of bioscience
14 21 entrepreneurship. The organization must be composed of
14 22 representatives of both the public and the private sector and
14 23 shall be composed of subunits or subcommittees in the areas of
14 24 existing identified biosciences platforms, education and
14 25 workforce development, commercialization, communication,
14 26 policy and governance, and finance. Such financial assistance
14 27 shall be used for purposes of activities related to
14 28 biosciences and bioeconomy development under chapter 262B, and
14 29 to accredited private universities in this state.

~~14 30 By September 30, 2007, the legislative services agency~~
~~14 31 shall submit a written report to the fiscal committee of the~~
~~14 32 legislative council and the standing committees on economic~~
~~14 33 growth in the senate and the house of representatives~~
~~14 34 regarding a review of expenditures by the state board of~~
~~14 35 regents from appropriations under this subsection and 2006~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

~~House Study Bill 707 continued~~

~~15 1 Iowa Acts, ch. 1179, section 14.~~

15 2 Sec. 16. Section 16.3, subsection 11, Code Supplement
15 3 2007, is amended by striking the subsection.

15 4 Sec. 17. Section 16.5, subsection 1, paragraphs f and m,
15 5 Code Supplement 2007, are amended to read as follows:

15 6 f. By rule, the ~~board~~ authority shall adopt procedures
15 7 relating to competitive bidding, including the identification
15 8 of those circumstances under which competitive bidding by the
15 9 authority, either formally or informally, shall be required.
15 10 In any bidding process, the authority may administer its own
15 11 bidding and procurement or may utilize the services of the
15 12 department of administrative services or any other agency.
15 13 Except when such rules apply, the authority and all contracts
15 14 made by it in carrying out its public and essential
15 15 governmental functions with respect to any of its programs
15 16 shall be exempt from the provisions and requirements of all
15 17 laws or rules of the state which require competitive bids in
15 18 connection with the letting of such contracts.

15 19 m. In cooperation with other local, state, or federal
15 20 governmental agencies, conduct research studies, develop
15 21 estimates of unmet housing needs, ~~and~~ gather and compile data
15 22 useful to ~~facilitate~~ facilitating decision making, and enter
15 23 into agreements to carry out programs within or without the
15 24 state which the authority finds to be consistent with the
15 25 goals of the authority.

15 26 Sec. 18. Section 24.20, Code 2007, is amended to read as
15 27 follows:

15 28 24.20 TAX RATES FINAL.

15 29 The several tax rates and levies of the municipalities thus
15 30 determined and certified in the manner provided in ~~the~~
~~15 31 preceding~~ sections 24.1 through 24.19, except such as are
15 32 authorized by a vote of the people, shall stand as the tax
15 33 rates and levies of said municipality for the ensuing fiscal
15 34 year for the purposes set out in the budget.

15 35 Sec. 19. Section 26.13, Code Supplement 2007, is amended



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

16 1 to read as follows:

16 2 26.13 EARLY RELEASE OF RETAINED FUNDS.

16 3 1. For purposes of this section:

16 4 a. "Authorized contract representative" means the person
16 5 chosen by the governmental entity or the department to
16 6 represent its interests or the person designated in the
16 7 contract as the party representing the governmental entity's
16 8 or the department's interest regarding administration and
16 9 oversight of the project.

16 10 b. "Department" means the state department of
16 11 transportation.

16 12 c. "Substantially completed" means the first date on which
16 13 any of the following occurs:

16 14 (1) Completion of the public improvement project or the
16 15 highway, bridge, or culvert project or when the work on the
16 16 public improvement or the highway, bridge, or culvert project
16 17 has been substantially completed in general accordance with
16 18 the terms and provisions of the contract.

16 19 (2) The work on the public improvement or on the
16 20 designated portion is substantially completed in general
16 21 accordance with the terms of the contract so that the
16 22 governmental entity or the department can occupy or utilize
16 23 the public improvement or designated portion of the public
16 24 improvement for its intended purpose. This subparagraph shall
16 25 not apply to highway, bridge, or culvert projects.

16 26 (3) The public improvement project or the highway, bridge,
16 27 or culvert project is certified as having been substantially
16 28 completed by either of the following:

16 29 (a) The architect or engineer authorized to make such
16 30 certification.

16 31 (b) The authorized contract representative.

16 32 (4) The governmental entity or the department is occupying
16 33 or utilizing the public improvement for its intended purpose.
16 34 This subparagraph shall not apply to highway, bridge, or
16 35 culvert projects.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

17 1 2. Payments made by a governmental entity or the state
17 2 department of transportation for the construction of public
17 3 improvements and highway, bridge, or culvert projects shall be
17 4 made in accordance with the provisions of chapter 573, except
17 5 as provided in this section. ~~For purposes of this section,~~
~~17 6 "department" means the state department of transportation.:~~
17 7 1. a. At any time after all or any part of the work on
17 8 the public improvement or highway, bridge, or culvert project
17 9 is substantially completed, the contractor may request the
17 10 release of all or part of the retained funds owed. The
17 11 request shall be accompanied by a sworn statement of the
17 12 contractor that, ten calendar days prior to filing the
17 13 request, notice was given as required by ~~subsection 7~~
17 14 paragraphs "f" and "g" to all known subcontractors,
17 15 sub-subcontractors, and suppliers.
17 16 2. b. Except as provided under ~~subsection 3~~ paragraph
17 17 "c", upon receipt of the request, the governmental entity or
17 18 the department shall release all or part of the retained
17 19 funds. Retained funds that are approved as payable shall be
17 20 paid at the time of the next monthly payment or within thirty
17 21 days, whichever is sooner. If partial retained funds are
17 22 released pursuant to a contractor's request, no retained funds
17 23 shall be subsequently held based on that portion of the work.
17 24 If within thirty days of when payment becomes due the
17 25 governmental entity or the department does not release the
17 26 retained funds due, interest shall accrue on the amount of
17 27 retained funds at the rate of interest that is calculated as
17 28 the prime rate plus one percent per year as of the day
17 29 interest begins to accrue until the amount is paid.
17 30 3. c. If labor and materials are yet to be provided at
17 31 the time the request for the release of the retained funds is
17 32 made, an amount equal to two hundred percent of the value of
17 33 the labor or materials yet to be provided, as determined by
17 34 the governmental entity's or the department's authorized
17 35 contract representative, may be withheld until such labor or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

18 1 materials are provided. ~~For purposes of this section,~~
~~18 2 "authorized contract representative" means the person chosen~~
~~18 3 by the governmental entity or the department to represent its~~
~~18 4 interests or the person designated in the contract as the~~
~~18 5 party representing the governmental entity's or the~~
~~18 6 department's interest regarding administration and oversight~~
~~18 7 of the project.~~

18 8 4. d. An itemization of the labor or materials yet to be
18 9 provided, or the reason that the request for release of
18 10 retained funds is denied, shall be provided to the contractor
18 11 in writing within thirty calendar days of the receipt of the
18 12 request for release of retained funds.

18 13 5. ~~For purposes of this section, "substantially completed"~~
~~18 14 means the first date on which any of the following occurs:~~

18 15 a. ~~Completion of the public improvement project or the~~
~~18 16 highway, bridge, or culvert project or when the work on the~~
~~18 17 public improvement or the highway, bridge, or culvert project~~
~~18 18 has been substantially completed in general accordance with~~
~~18 19 the terms and provisions of the contract.~~

18 20 b. ~~The work on the public improvement or on the designated~~
~~18 21 portion is substantially completed in general accordance with~~
~~18 22 the terms of the contract so that the governmental entity or~~
~~18 23 the department can occupy or utilize the public improvement or~~
~~18 24 designated portion of the public improvement for its intended~~
~~18 25 purpose. This paragraph shall not apply to highway, bridge,~~
~~18 26 or culvert projects.~~

18 27 c. ~~The public improvement project or the highway, bridge,~~
~~18 28 or culvert project is certified as having been substantially~~
~~18 29 completed by either of the following:~~

18 30 (1) ~~The architect or engineer authorized to make such~~
~~18 31 certification.~~

18 32 (2) ~~The authorized contract representative.~~

18 33 d. ~~The governmental entity or the department is occupying~~
~~18 34 or utilizing the public improvement for its intended purpose.~~
~~18 35 This paragraph shall not apply to highway, bridge, or culvert~~



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

~~House Study Bill 707 continued~~

~~19 1 projects.~~

19 2 ~~6.~~ e. The contractor shall release retained funds to the
19 3 subcontractor or subcontractors in the same manner as retained
19 4 funds are released to the contractor by the governmental
19 5 entity or the department. Each subcontractor shall pass
19 6 through to each lower tier subcontractor all retained fund
19 7 payments from the contractor.

19 8 ~~7.~~ f. Prior to applying for release of retained funds,
19 9 the contractor shall send a notice to all known
19 10 subcontractors, sub-subcontractors, and suppliers that
19 11 provided labor or materials for the public improvement project
19 12 or the highway, bridge, or culvert project.

19 13 g. The notice shall be substantially similar to the
19 14 following:

"NOTICE OF CONTRACTOR'S
REQUEST FOR EARLY RELEASE
OF RETAINED FUNDS

19 18 You are hereby notified that [name of contractor] will be
19 19 requesting an early release of funds on a public improvement
19 20 project or a highway, bridge, or culvert project designated as
19 21 [name of project] for which you have or may have provided
19 22 labor or materials. The request will be made pursuant to Iowa
19 23 Code section 26.13. The request may be filed with the [name
19 24 of governmental entity or department] after ten calendar days
19 25 from the date of this notice. The purpose of the request is
19 26 to have [name of governmental entity or department] release
19 27 and pay funds for all work that has been performed and charged
19 28 to [name of governmental entity or department] as of the date
19 29 of this notice. This notice is provided in accordance with
19 30 Iowa Code section 26.13."

19 31 Sec. 20. Section 35A.5, subsection 10, Code Supplement
19 32 2007, is amended to read as follows:

19 33 10. Establish and operate a state veterans cemetery and
19 34 make application to the government of the United States or any
19 35 subdivision, agency, or instrumentality thereof, for funds for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

20 1 the purpose of establishing such a cemetery.

20 2 a. The ~~state~~ department may enter into agreements with any
20 3 subdivision of the state for assistance in operating the
20 4 cemetery.

20 5 b. The state shall own the land on which the cemetery is
20 6 located.

20 7 c. The department shall have the authority to accept
20 8 federal grant funds, funding from state subdivisions,
20 9 donations from private sources, and federal "plot allowance"
20 10 payments.

20 11 d. The department through the director shall have the
20 12 authority to accept suitable cemetery land, in accordance with
20 13 federal veterans cemetery grant guidelines, from the federal
20 14 government, state government, state subdivisions, private
20 15 sources, and any other source wishing to transfer land for use
20 16 as a veterans cemetery.

20 17 e. The department may lease or use property received
20 18 pursuant to this subsection for any purpose so long as such
20 19 leasing or use does not interfere with the use of the property
20 20 for cemetery purposes and is not contrary to federal or state
20 21 guidelines.

20 22 f. All funds received pursuant to this subsection,
20 23 including lease payments or funds generated from any activity
20 24 engaged in on any property accepted pursuant to this
20 25 subsection, shall be deposited into an account dedicated to
20 26 the establishment, operation, and maintenance of a veterans
20 27 cemetery and these funds shall be expended only for those
20 28 purposes.

20 29 g. Notwithstanding section 8.33, any moneys in the account
20 30 for a state veterans cemetery shall not revert and,
20 31 notwithstanding section 12C.7, subsection 2, interest or
20 32 earnings on moneys deposited in the fund shall be credited to
20 33 the account.

20 34 Sec. 21. Section 35A.8, subsection 5, paragraph a, Code
20 35 Supplement 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

21 1 a. The executive director shall provide for the
21 2 administration of the bonus authorized in this subsection.
21 3 The ~~commission~~ department shall adopt rules, pursuant to
21 4 chapter 17A, as necessary to administer this subsection
21 5 including but not limited to application procedures,
21 6 investigation, approval or disapproval, and payment of claims.

21 7 Sec. 22. Section 46.16, subsection 1, Code 2007, is
21 8 amended to read as follows:

21 9 1. Subject to sections 602.1610 and 602.1612 and to
21 10 removal for cause:

21 11 a. The initial term of office of judges of the supreme
21 12 court, court of appeals and district court shall be for one
21 13 year after appointment and until January 1 following the next
21 14 judicial election after expiration of such year; and

21 15 b. The regular term of office of judges of the supreme
21 16 court retained at a judicial election shall be eight years,
21 17 and of judges of the court of appeals and district court so
21 18 retained shall be six years, from the expiration of their
21 19 initial or previous regular term as the case may be.

21 20 ~~For the purpose of initial appointments to the court of~~
~~21 21 appeals, two of the judges appointed shall serve an irregular~~
~~21 22 term ending December 31 of the fourth year after expiration of~~
~~21 23 the initial term prescribed in subsection 1 and two of the~~
~~21 24 judges appointed shall serve an irregular term ending December~~
~~21 25 31 of the fifth year after expiration of the initial term~~
~~21 26 prescribed in subsection 1. Expiration of irregular terms~~
~~21 27 shall be deemed expiration of regular terms for all purposes.~~

21 28 Sec. 23. Section 68A.503, subsection 2, paragraph a, Code
21 29 Supplement 2007, is amended to read as follows:

21 30 a. Except as provided in subsection 3, it is unlawful for
21 31 a member of a committee, or its employee or representative,
21 32 except a ballot issue committee, or for a candidate for office
21 33 or the representative of the candidate, to solicit, request,
21 34 or knowingly receive from an insurance company, savings and
21 35 loan association, bank, credit union, or corporation organized



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

22 1 pursuant to the laws of this state, the United States, or any
22 2 other state, territory, or foreign country, whether for profit
22 3 or not, or its officer, agent, or representative, any money,
22 4 property, or thing of value belonging to the insurance
22 5 company, savings and loan association, bank, credit union, or
22 6 corporation for campaign expenses, or to expressly advocate
22 7 that the vote of an elector be used to nominate, elect, or
22 8 defeat a candidate for public office.

22 9 Sec. 24. Section 68B.4A, subsection 4, Code 2007, is
22 10 amended to read as follows:

22 11 4. The selling of any goods or services by the legislative
22 12 employee does not cause the ~~official or~~ employee to sell goods
22 13 or services to the general assembly on behalf of the
22 14 individual, association, or corporation.

22 15 Sec. 25. Section 80B.11, subsection 1, paragraph c,
22 16 subparagraph (2), Code Supplement 2007, is amended to read as
22 17 follows:

22 18 (2) In-service training under this paragraph "c" shall
22 19 include the requirement that ~~by December 31, 1994~~, all law
22 20 enforcement officers complete a course on investigation,
22 21 identification, and reporting of public offenses based on the
22 22 race, color, religion, ancestry, national origin, political
22 23 affiliation, sex, sexual orientation, age, or disability of
22 24 the victim. The director shall consult with the civil rights
22 25 commission, the department of public safety, and the
22 26 prosecuting attorneys training coordinator in developing the
22 27 requirements for this course and may contract with outside
22 28 providers for this course.

22 29 Sec. 26. Section 86.2, Code 2007, is amended to read as
22 30 follows:

22 31 86.2 APPOINTMENT OF DEPUTIES ~~AND ASSISTANTS~~.

22 32 1. The commissioner may appoint:

22 33 ~~1.~~ a. Chief deputy workers' compensation commissioners
22 34 for whose acts the commissioner is responsible, who are exempt
22 35 from the merit system provisions of chapter 8A, subchapter IV,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

23 1 and who shall serve at the pleasure of the commissioner.
23 2 ~~2. b.~~ Deputy workers' compensation commissioners for
23 3 whose acts the commissioner is responsible and who shall serve
23 4 at the pleasure of the commissioner.
23 5 2. All chief deputies and deputies must be lawyers
23 6 admitted to practice in this state.
23 7 3. The commissioner may appoint one or more chief deputy
23 8 workers' compensation commissioners and one or more ~~assistant~~
23 9 deputy workers' compensation commissioners. A chief deputy
23 10 workers' compensation commissioner or ~~an assistant~~ a deputy
23 11 workers' compensation commissioner shall perform such
23 12 additional administrative responsibilities as are deemed
23 13 reasonably necessary and assigned by the commissioner.
23 14 Sec. 27. Section 87.1, subsection 1, Code Supplement 2007,
23 15 is amended to read as follows:
23 16 1. Every employer subject to the provisions of this
23 17 ~~chapter~~ and chapters 85, 85A, 85B, and 86, unless relieved
23 18 ~~therefrom~~ as hereinafter provided from the requirements
23 19 imposed under this chapter and chapters 85, 85A, 85B, and 86,
23 20 shall insure the employer's liability ~~thereunder~~ under this
23 21 chapter and chapters 85, 85A, 85B, and 86 in some corporation,
23 22 association, or organization approved by the commissioner of
23 23 insurance.
23 24 Sec. 28. Section 87.22, Code 2007, is amended to read as
23 25 follows:
23 26 87.22 CORPORATE OFFICER EXCLUSION FROM WORKERS'
23 27 COMPENSATION OR EMPLOYERS' LIABILITY COVERAGE.
23 28 1. The president, vice president, secretary, and treasurer
23 29 of a corporation other than a family farm corporation, but not
23 30 to exceed four officers per corporation, may exclude
23 31 themselves from workers' compensation coverage under chapters
23 32 85, 85A, and 85B by knowingly and voluntarily rejecting
23 33 workers' compensation coverage by signing, and attaching to
23 34 the workers' compensation or employers' liability policy a
23 35 written rejection, or if such a policy is not issued, by



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

24 1 signing a written rejection which is witnessed by two
 24 2 disinterested individuals who are not, formally or informally,
 24 3 affiliated with the corporation and which is filed by the
 24 4 corporation with the workers' compensation commissioner.
 24 5 2. The written rejection shall be in substantially the
 24 6 following form:

REJECTION OF WORKERS'
 COMPENSATION OR EMPLOYERS'
 LIABILITY COVERAGE

24 10 I understand that by signing this statement I reject the
 24 11 coverage of chapters 85, 85A, and 85B of the Code of Iowa
 24 12 relating to workers' compensation.

24 13 I understand that my rejection of the coverage of chapters
 24 14 85, 85A, and 85B is not a waiver of any rights or remedies
 24 15 available to me or to others on my behalf in a civil action
 24 16 related to personal injuries sustained by me arising out of
 24 17 and in the course of my employment with the corporation.

24 18 I also understand that by signing this statement and
 24 19 checking alternative (1) below I reject employers' liability
 24 20 coverage for bodily injuries or death sustained by me arising
 24 21 out of and in the course of my employment with the
 24 22 corporation. (Check either alternative (1) or (2):)

- 24 23 (1) I reject the employers' liability coverage.
- 24 24 (2) I decline to reject the employers' liability coverage.

24 25 Signed

24 26 Corporate Office

24 27 Date

24 28 City, County, State

24 29 of Residence

24 30 Witness

24 31 Witness

24 32 I also understand that the signing of this statement and
 24 33 checking of alternative (1) below by an authorized agent of
 24 34 the corporation rejects for the corporation employers'
 24 35 liability coverage for bodily injuries or death sustained by



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

25 1 me arising out of and in the course of my employment with the
25 2 corporation. (Check either alternative (1) or (2):)

25 3 (1) The corporation rejects the employers' liability
25 4 coverage.

25 5 (2) The corporation declines to reject the employers'
25 6 liability coverage.

25 7 Signed

25 8 Relationship to Corporation

25 9 Date

25 10 City, County, State

25 11 of Residence

25 12 Witness

25 13 Witness

25 14 3. The rejection of workers' compensation coverage is not
25 15 enforceable if it is required as a condition of employment.

25 16 4. A corporate officer who signs a written rejection filed
25 17 with the workers' compensation commissioner may terminate the
25 18 rejection by signing a written notice of termination which is
25 19 witnessed by two disinterested individuals, who are not,
25 20 formally or informally, affiliated with the corporation and
25 21 which is filed by the corporation with the workers'
25 22 compensation commissioner.

25 23 Sec. 29. Section 89.7A, subsection 1, Code Supplement
25 24 2007, is amended to read as follows:

25 25 1. The commissioner shall issue a certificate of
25 26 inspection valid for the period specified in section 89.3
25 27 after the payment of a fee, the filing of an inspection
25 28 report, and the correction or other appropriate resolution of
25 29 any defects identified in the inspection report. The
25 30 certificate shall be posted at a place near the location of
25 31 the equipment.

25 32 Sec. 30. Section 97B.49G, subsection 2, paragraph b, Code
25 33 2007, is amended to read as follows:

25 34 b. (1) Effective July 1, 1978, for each member who
25 35 retired from the retirement system prior to January 1, 1976,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

26 1 the amount of regular monthly retirement allowance
26 2 attributable to membership service and prior service that was
26 3 payable to the member for June 1978 is increased as follows:
26 4 ~~(1)~~ (a) For the first ten years of service, fifty cents
26 5 per month for each complete year of service.
26 6 ~~(2)~~ (b) For the eleventh through the twentieth years of
26 7 service, two dollars per month for each complete year of
26 8 service.
26 9 ~~(3)~~ (c) For the twenty-first through the thirtieth years
26 10 of service, three dollars per month for each complete year of
26 11 service.
26 12 (2) Effective July 1, 1979, the increases granted to
26 13 members under this ~~subparagraph~~ paragraph "b" shall be paid to
26 14 contingent annuitants and to beneficiaries.
26 15 Sec. 31. Section 100B.22, subsection 1, paragraph b, Code
26 16 Supplement 2007, is amended to read as follows:
26 17 b. The public agencies named in paragraph "a",
26 18 ~~subparagraphs (1) through (10)~~, shall, in conjunction with the
26 19 bureau, coordinate fire service training programs as described
26 20 in section 100B.6 at each training center.
26 21 Sec. 32. Section 100B.22, subsection 2, paragraph a, Code
26 22 Supplement 2007, is amended to read as follows:
26 23 a. A lead public agency listed in subsection 1, paragraph
26 24 "a", ~~subparagraphs (1) through (11)~~, shall submit an
26 25 application to the bureau in order to be eligible to receive a
26 26 state appropriation for the agency's training center. The
26 27 bureau shall prescribe the form of the application and, on or
26 28 before August 15, 2006, shall provide such application to each
26 29 lead public agency.
26 30 Sec. 33. Section 100C.10, subsection 4, Code Supplement
26 31 2007, is amended to read as follows:
26 32 4. The commissioner shall initially appoint two members
26 33 for two-year terms, two members for four-year terms, and three
26 34 members for six-year terms. Following the expiration of the
26 35 terms of initially appointed members, each term thereafter



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

27 1 shall be for a period of six years. No member shall serve
27 2 more than two consecutive terms. ~~Of the appointments to new~~
~~27 3 positions on the board which take effect July 1, 2007, the~~
~~27 4 commissioner shall make the initial appointments for two,~~
~~27 5 four, or six years, at the commissioner's discretion, so that~~
~~27 6 the terms of no more than four board members shall expire at~~
~~27 7 the same time.~~ If a position on the board becomes vacant
27 8 prior to the expiration of a member's term, the member
27 9 appointed to the vacancy shall serve the balance of the
27 10 unexpired term.

27 11 Sec. 34. Section 103.6, subsection 2, unnumbered paragraph
27 12 1, Code Supplement 2007, is amended to read as follows:

27 13 2. Revoke, suspend, or refuse to renew any license granted
27 14 pursuant to this chapter when the licensee does any of the
27 15 following:

27 16 Sec. 35. Section 103.22, subsection 10, Code Supplement
27 17 2007, is amended to read as follows:

27 18 10. Apply to a person performing alarm system
27 19 installations pursuant to section 103.14 or to a person who is
27 20 engaged in the design, installation, erection, repair,
27 21 maintenance, or alteration of class two or class three remote
27 22 control, signaling, or power=limited circuits, optical fiber
27 23 cables or other cabling, or communications circuits, including
27 24 raceways, as defined in the national electrical code for
27 25 voice, video, audio, and data signals in commercial or
27 26 residential premises.

27 27 Sec. 36. Section 103A.21, subsection 2, Code Supplement
27 28 2007, is amended to read as follows:

27 29 2. Violation of this chapter shall not impose any
27 30 disability upon or affect or impair the credibility as a
27 31 witness, or otherwise, of any person.

27 32 ~~Violations of this section shall be simple misdemeanors.~~

27 33 Sec. 37. Section 135.20, subsection 2, Code Supplement
27 34 2007, is amended to read as follows:

27 35 2. The information to be distributed shall be determined



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

28 1 by the department by rule, in consultation with the department
28 2 of veterans affairs. The department shall cooperate with the
28 3 department of veterans affairs regarding distribution of the
28 4 information to the veterans home, the county commissions of
28 5 veteran affairs, veterans hospitals, and other appropriate
28 6 points of distribution. The information shall, at a minimum,
28 7 contain statements indicating that:
28 8 a. The federal department of veterans affairs estimates a
28 9 hepatitis C infection rate in veterans more than three times
28 10 higher than for the general population.
28 11 b. The infection rate for Vietnam veterans is estimated to
28 12 be even higher than for other veterans groups.
28 13 c. The disease is caused by a bloodborne virus readily
28 14 transmitted during combat and combat-related emergency medical
28 15 treatment.
28 16 d. Many veterans currently carrying the virus were
28 17 infected prior to the development of medical screening tests.
28 18 e. The hepatitis C virus often resolves into a chronic
28 19 infection without symptoms for ten to thirty years before
28 20 signs of resultant liver disease appear.
28 21 f. This unusually long latency period makes it difficult
28 22 to connect current symptoms with an infection that may have
28 23 actually been contracted during military service decades ago.
28 24 g. The information shall also present treatment options
28 25 and shall specify a procedure to be followed for veterans
28 26 desiring a medical consultation for screening and treatment
28 27 purposes. ~~The department shall cooperate with the department~~
~~28 28 of veterans affairs regarding distribution of the information~~
~~28 29 to the veterans home, the county commissions of veteran~~
~~28 30 affairs, veterans hospitals, and other appropriate points of~~
~~28 31 distribution.~~
28 32 Sec. 38. Section 147.88, Code Supplement 2007, is amended
28 33 to read as follows:
28 34 147.88 INSPECTIONS.
28 35 The department of inspections and appeals may perform



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

29 1 inspections as required by this subtitle, except for
29 2 inspections for the board of medicine, board of pharmacy,
29 3 board of nursing, and the dental board. The department of
29 4 inspections and appeals shall employ personnel related to the
29 5 inspection functions.

29 6 Sec. 39. Section 172B.4, subsection 3, Code 2007, is
29 7 amended to read as follows:

29 8 3. LAW ENFORCEMENT OFFICER.

29 9 a. A law enforcement officer, upon requesting and
29 10 receiving a transportation certificate, shall retain a copy of
29 11 the certificate and shall submit the certificate to the law
29 12 enforcement agency by which the officer is employed.

29 13 b. The law enforcement officer shall give to the person
29 14 transporting livestock, in a form prescribed by the
29 15 commissioner of public safety or the commissioner's designee,
29 16 a receipt for the certificate given to the officer. ~~However,~~
~~29 17 a The commissioner of public safety may authorize the use of~~
29 18 any method of giving receipt, including endorsement by the
29 19 officer on the certificate retained by the person transporting
29 20 livestock. The receipt shall make the law enforcement officer
29 21 issuing the receipt identifiable by other law enforcement
29 22 officers.

29 23 c. A law enforcement officer shall not retain a copy of
29 24 the certificate if the person transporting livestock has a
29 25 receipt issued by another law enforcement officer.

29 26 ~~The commissioner of public safety may authorize the use of~~
~~29 27 any method of giving receipt, including endorsement by the~~
~~29 28 officer on the certificate retained by the person transporting~~
~~29 29 livestock. The receipt shall make the law enforcement officer~~
~~29 30 issuing the receipt identifiable by other law enforcement~~
~~29 31 officers.~~

29 32 Sec. 40. Section 175.19, subsections 2 and 5, Code 2007,
29 33 are amended to read as follows:

29 34 2. a. The authority or any trustee appointed under the
29 35 indenture under which the bonds are issued may, but upon



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

30 1 written request of the holders of twenty-five percent in
30 2 aggregate principal amount of the issue of bonds or notes then
30 3 outstanding shall:

30 4 ~~a.~~ (1) Enforce all rights of the bondholders or
30 5 noteholders including the right to require the authority to
30 6 carry out its agreements with the holders and to perform its
30 7 duties under this chapter.

30 8 ~~b.~~ (2) Bring suit upon the bonds or notes.

30 9 ~~c.~~ (3) By action require the authority to account as if
30 10 it were the trustee of an express trust for the holders.

30 11 ~~d.~~ (4) By action enjoin any acts or things which are
30 12 unlawful or in violation of the rights of the holders.

30 13 ~~e.~~ (5) Declare all the bonds or notes due and payable and
30 14 if all defaults are made good then with the consent of the
30 15 holders of twenty-five percent of the aggregate principal
30 16 amount of the issue of bonds or notes then outstanding, annul
30 17 the declaration and its consequences.

30 18 b. The bondholders or noteholders may, to the extent
30 19 provided in the resolution to which the bonds or notes were
30 20 issued or in its agreement with the authority, enforce any of
30 21 the remedies in paragraphs "a" through "e" or the remedies
30 22 provided in such proceedings or agreements for and on their
30 23 own behalf.

30 24 5. The district court has jurisdiction of any action by
30 25 the trustee on behalf of bondholders or noteholders. The
30 26 venue of the action shall be in the county in which the
30 27 principal office of the authority is located.

30 28 ~~The bondholders or noteholders may, to the extent provided~~
~~30 29 in the resolution to which the bonds or notes were issued or~~
~~30 30 in its agreement with the authority, enforce any of the~~
~~30 31 remedies in paragraphs "a" to "e" or the remedies provided in~~
~~30 32 such proceedings or agreements for and on their own behalf.~~

30 33 Sec. 41. Section 185.3, subsection 1, Code 2007, is
30 34 amended to read as follows:

30 35 1. a. The board shall consist of directors who are



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

31 1 producers residing in Iowa at the time of the election. The
31 2 directors shall ~~include all of the following~~ be elected as
31 3 follows:

31 4 ~~a. (1) Four producers who are directors shall be~~ elected
31 5 from producers from the state at large.

31 6 ~~b. (2) One producer who is director per district shall be~~
31 7 elected from producers from each district in the state.

31 8 However, two ~~producers~~ directors shall be elected from the
31 9 producers from a district producing if more than an average of

31 10 twenty-five million bushels of soybeans were produced in that
31 11 district in the three previous years prior to the election.

31 12 b. A producer shall be entitled to vote in the election
31 13 regardless of whether the producer is a member of the
31 14 association.

31 15 Sec. 42. Section 231D.5, subsection 2, Code Supplement
31 16 2007, is amended to read as follows:

31 17 2. In the case of an application by an existing
31 18 certificate holder for a new or newly acquired adult day
31 19 services program, the department may deny certification on the

31 20 basis of continuing or repeated failure of the certificate
31 21 holder to operate any previously certified adult day services

31 22 program in compliance with this chapter or of the rules
31 23 adopted pursuant to this chapter.

31 24 Sec. 43. Section 256.11, subsection 5, paragraph b, Code
31 25 Supplement 2007, is amended to read as follows:

31 26 b. Five units of the social studies including instruction
31 27 in voting statutes and procedures, voter registration

31 28 requirements, the use of paper ballots and voting machines in
31 29 the election process, and the method of acquiring and casting

31 30 an absentee ballot. All students shall complete a minimum of
31 31 one-half unit of United States government and one unit of

31 32 United States history. The one-half unit of United States
31 33 government shall include the voting procedure as described in

31 34 this lettered paragraph and section 280.9A. The government
31 35 instruction shall also include a study of the Constitution of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

32 1 the United States and the Bill of Rights contained in the
 32 2 Constitution and an assessment of a student's knowledge of the
 32 3 Constitution and the Bill of Rights.
 32 4 ~~The county auditor, upon request and at a site chosen by~~
~~32 5 the county auditor, shall make available to schools within the~~
~~32 6 county voting machines or sample ballots that are generally~~
~~32 7 used within the county, at times when these machines or sample~~
~~32 8 ballots are not in use for their recognized purpose.~~
 32 9 Sec. 44. Section 261A.4, subsection 13, Code 2007, is
 32 10 amended to read as follows:
 32 11 13. "Loan funding deposit" means money or other property
 32 12 that is deposited:
 32 13 a. ~~by~~ By an institution with the authority or a trustee.
 32 14 b. In amounts deemed necessary by the authority as a
 32 15 condition for the institution's participation in the
 32 16 authority's programs.
 32 17 c. ~~for~~ For the purpose of one or more of the following:
 32 18 ~~a.~~ (1) Providing security for obligations.
 32 19 ~~b.~~ (2) Funding a default reserve fund.
 32 20 ~~e.~~ (3) Acquiring default insurance.
 32 21 ~~d.~~ (4) Defraying costs of the authority.
 32 22 ~~The moneys or properties shall be in amounts deemed~~
~~32 23 necessary by the authority as a condition for the~~
~~32 24 institution's participation in the authority's programs.~~
 32 25 Sec. 45. Section 272.9A, subsection 1, Code Supplement
 32 26 2007, is amended to read as follows:
 32 27 1. Beginning July 1, 2007, requirements for administrator
 32 28 licensure beyond an initial license shall include completion
 32 29 of a beginning administrator mentoring and induction program
 32 30 ~~provided by the department pursuant to section 284A.5,~~
~~32 31 subsection 2,~~ and demonstration of competence on the
 32 32 administrator standards adopted pursuant to section 284A.3.
 32 33 Sec. 46. Section 280.9A, Code 2007, is amended by adding
 32 34 the following new subsection:
 32 35 NEW SUBSECTION. 1A. The county auditor, upon request and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

33 1 at a site chosen by the county auditor, shall make available
33 2 to schools within the county voting machines or sample ballots
33 3 that are generally used within the county, at times when these
33 4 machines or sample ballots are not in use for their recognized
33 5 purpose.

33 6 Sec. 47. Section 341A.12, unnumbered paragraph 1, Code
33 7 Supplement 2007, is amended to read as follows:

33 8 No person in the classified civil service who has been
33 9 permanently appointed or inducted into civil service under
33 10 provisions of this chapter shall be removed, suspended, or
33 11 demoted except for cause, and only upon written accusation of
33 12 the county sheriff, which shall be served upon the accused,
33 13 and a duplicate filed with the commission. Any person so
33 14 removed, suspended, or reduced in rank or grade may, within
33 15 ten days after presentation to the person of the order of
33 16 removal, suspension or reduction, appeal to the commission
33 17 from such order. The commission shall, within two weeks from
33 18 the filing of such appeal, hold a hearing thereon, and fully
33 19 hear and determine the matter, and either affirm, modify, or
33 20 revoke such order. The appellant shall be entitled to ~~appeal~~
~~33 21 personally appear in person~~, produce evidence, and to have
33 22 counsel. The finding and decision of the commission shall be
33 23 certified to the sheriff, and shall be enforced and followed
33 24 by the sheriff, but under no condition shall the employee who
33 25 has appealed to the commission be permanently removed,
33 26 suspended, or reduced in rank until such finding and decision
33 27 of the commission is certified to the sheriff pursuant to the
33 28 rules of civil procedure.

33 29 Sec. 48. Section 357A.11, subsection 13, Code Supplement
33 30 2007, is amended to read as follows:

33 31 13. In addition to all other powers granted to the board,
33 32 the board may sell, convey, merge, or otherwise dispose of all
33 33 or any portion of the real property or personal property of
33 34 the district and all or any portion of the district's right to
33 35 provide water or wastewater service to an area in order that



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

34 1 another service provider permitted by the department of
34 2 natural resources pursuant to chapter 455B may assume any or
34 3 all of the district's duties and obligations or that the
34 4 district may be dissolved.
34 5 a. If the district is to be dissolved, the board shall
34 6 file a notice of dissolution with the auditor of the county or
34 7 counties in which the district is located.
34 8 b. Prior to such sale, conveyance, merger, or disposition
34 9 by the board that includes the relinquishment of the
34 10 district's right to provide service to an area, the board
34 11 shall publish notice of a public hearing not less than four
34 12 nor more than twenty days before the date fixed for the
34 13 hearing in a newspaper of general circulation in the area for
34 14 which the board seeks to relinquish service. The board shall
34 15 mail notice of a public hearing to the district's members in
34 16 the area for which the board seeks to relinquish service not
34 17 less than fourteen days prior to such public hearing. A
34 18 public hearing is not required when the board relinquishes the
34 19 district's right to service an area within the corporate
34 20 limits of a city if the city will provide service in
34 21 compliance with the city's annexation plan.
34 22 c. After hearing or if none is required, the board may
34 23 adopt a resolution approving the sale, conveyance, merger, or
34 24 disposition; however, the board shall provide for the
34 25 continuation of water or wastewater service to the area by
34 26 another service provider immediately following such sale,
34 27 conveyance, merger, or disposition.
34 28 ~~This chapter and chapter 384, as it applies to rural water~~
~~34 29 districts, shall not be construed to mean that the real~~
~~34 30 property of any rural water subscriber shall be used as~~
~~34 31 security for any debts of a rural water district. However,~~
~~34 32 the failure to pay water rates or charges by a subscriber may~~
~~34 33 result in a lien being attached against the premises served~~
~~34 34 upon certification to the county treasurer that the rate or~~
~~34 35 charges are due.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

35 1 Sec. 49. NEW SECTION. 357A.25 PROPERTY NOT SECURITY FOR
35 2 DEBT.

35 3 This chapter and chapter 384, as it applies to rural water
35 4 districts, shall not be construed to mean that the real
35 5 property of any rural water subscriber shall be used as
35 6 security for any debts of a rural water district. However,
35 7 the failure to pay water rates or charges by a subscriber may
35 8 result in a lien being attached against the premises served
35 9 upon certification to the county treasurer that the rate or
35 10 charges are due.

35 11 Sec. 50. Section 422.11T, Code Supplement 2007, is amended
35 12 to read as follows:

35 13 422.11T FILM QUALIFIED EXPENDITURE TAX CREDIT.

35 14 The taxes imposed under this division, less the ~~credits~~
35 15 credit allowed under ~~sections~~ section 422.12 and ~~422.12B~~,
35 16 shall be reduced by a qualified expenditure tax credit
35 17 authorized pursuant to section 15.393, subsection 2, paragraph
35 18 "a".

35 19 Sec. 51. Section 422.11U, Code Supplement 2007, is amended
35 20 to read as follows:

35 21 422.11U FILM INVESTMENT TAX CREDIT.

35 22 The taxes imposed under this division, less the ~~credits~~
35 23 credit allowed under ~~sections~~ section 422.12 and ~~422.12B~~,
35 24 shall be reduced by an investment tax credit authorized
35 25 pursuant to section 15.393, subsection 2, paragraph "b".

35 26 Sec. 52. Section 434.16, Code 2007, is amended to read as
35 27 follows:

35 28 434.16 ASSESSMENT OF SLEEPING AND DINING CARS.

35 29 The director of revenue shall, at the time of the
35 30 assessment of other railway property for taxation, assess for
35 31 taxation the average number of sleeping and dining cars as
35 32 provided in section 434.6 so used by such corporation each
35 33 month and the assessed value of said cars shall bear the same
35 34 proportion to the entire value thereof that the monthly
35 35 average number of miles such cars have been run or operated



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

36 1 within the state shall bear to the monthly average number of
36 2 miles such cars have been used or operated within and without
36 3 the state. Such valuation shall be in the same ratio as that
36 4 of the property of individuals, and shall be added to the
36 5 assessed valuation of the corporation, fixed under ~~the~~
~~36 6 preceding sections~~ section 434.15.

36 7 Sec. 53. Section 455B.131, subsection 9, Code Supplement
36 8 2007, is amended to read as follows:

36 9 9. "Person" means an individual, partnership,
36 10 ~~copartnership~~, cooperative, firm, company, public or private
36 11 corporation, political subdivision, agency of the state,
36 12 trust, estate, joint stock company, an agency or department of
36 13 the federal government or any other legal entity, or a legal
36 14 representative, agent, officer, employee or assigns of such
36 15 entities.

36 16 Sec. 54. Section 462A.2, subsection 22, Code Supplement
36 17 2007, is amended to read as follows:

36 18 22. "Navigable waters" means all lakes, rivers, and
36 19 streams, which can support a vessel capable of carrying one or
36 20 more persons during a total of six months ~~period~~ in one out of
36 21 every ten years.

36 22 Sec. 55. Section 484B.4, subsection 1, Code 2007, is
36 23 amended to read as follows:

36 24 1. A person who owns or controls by lease or otherwise for
36 25 five or more years, a contiguous tract of land having an area
36 26 of not less than three hundred twenty acres, and who desires
36 27 to establish a hunting preserve, to propagate and sell game
36 28 birds and their young or unhatched eggs, and shoot game birds
36 29 and ungulates on the land, under this chapter or the rules of
36 30 the commission, shall make application to the department for
36 31 an operator's license. The application shall be made under
36 32 oath of the applicant or under oath of one of its principal
36 33 officers if the applicant is an association, or corporation,
~~36 34 or copartnership~~. Under the authority of this license, any
36 35 property or facilities to be used for propagating, holding,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

37 1 processing, or pasturing of game birds or ungulates shall not
37 2 be required to be contained within the contiguous land area
37 3 used for hunting purposes. The application shall be
37 4 accompanied by an operator's license fee of two hundred
37 5 dollars.

37 6 Sec. 56. Section 490.624, subsection 2, unnumbered
37 7 paragraph 1, Code Supplement 2007, is amended to read as
37 8 follows:

37 9 The terms and conditions of such rights, options, or
37 10 warrants, including those outstanding on ~~the effective date of~~
~~37 11 this section July 1, 1989~~, may include, without limitation,

37 12 restrictions, or conditions that do any of the following:

37 13 Sec. 57. Section 524.212, Code Supplement 2007, is amended
37 14 to read as follows:

37 15 524.212 PROHIBITION AGAINST DISCLOSURE OF REGULATORY
37 16 INFORMATION.

37 17 The superintendent, members of the state banking council,
37 18 general counsel, examiners, or other employees of the banking
37 19 division shall not disclose, in any manner, to any person
37 20 other than the person examined and those regulatory agencies
37 21 referred to in section 524.217, subsection 2, any information
37 22 relating specifically to the supervision and regulation of any
37 23 state bank, persons subject to the provisions of chapter 533A,
37 24 533C, 536, or 536A, any affiliate of any state bank, or an
37 25 affiliate of a person subject to the provisions of chapter
37 26 533A, 533C, 536, or 536A, except when ordered to do so by a
37 27 court of competent jurisdiction and then only in those
37 28 instances referred to in section 524.215, subsection 2,
37 29 paragraphs "a", "b", "c", ~~and~~ "e", and "f".

37 30 Sec. 58. Section 533.214, Code Supplement 2007, is amended
37 31 to read as follows:

37 32 533.214 CENTRAL CREDIT UNIONS.

37 33 Credit unions known as central credit unions may exist for
37 34 the purpose of serving directors, officers, and employees of
37 35 credit unions, members of dissolved and ~~members of other~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

38 1 existing credit unions, ~~directors, officers, and employees of~~
38 2 credit unions, employee groups as described in section
38 3 533.301, subsection 13, and such other persons as the
38 4 superintendent approves.

38 5 Sec. 59. Section 537A.4, unnumbered paragraph 2, Code
38 6 2007, is amended to read as follows:

38 7 This section does not apply to a contract for the operation
38 8 of or for the sale or rental of equipment for games of skill
38 9 or games of chance, if both the contract and the games are in
38 10 compliance with chapter 99B. This section does not apply to
38 11 wagering under the pari-mutuel method of wagering authorized
38 12 by chapter 99D. This section does not apply to the sale,
38 13 purchase, or redemption of a ticket or share in the state
38 14 lottery in compliance with chapter 99G. This section does not
38 15 apply to wagering ~~under the excursion boat gambling method of~~
~~38 16 wagering~~ authorized by chapter 99F. This section does not
38 17 apply to the sale, purchase, or redemption of any ticket or
38 18 similar gambling device legally purchased in Indian lands
38 19 within this state.

38 20 Sec. 60. Section 542.4, subsection 1, Code 2007, is
38 21 amended to read as follows:

38 22 1. An Iowa accountancy examining board is created within
38 23 the professional licensing and regulation bureau of the
38 24 banking division of the department of commerce to administer
38 25 and enforce this chapter. The board shall consist of eight
38 26 members, appointed by the governor and subject to senate
38 27 confirmation, all of whom shall be residents of this state.
38 28 Five of the eight members shall be holders of certificates
38 29 issued under section 542.6, one member shall be the holder of
38 30 a license issued under section 542.8, and two shall not be
38 31 certified public accountants or licensed public accountants
38 32 and shall represent the general public. At least three of the
38 33 holders of certificates issued under section 542.6 shall also
38 34 be qualified to supervise attest services as provided in
38 35 section 542.7. A certified or licensed member of the board



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

39 1 shall be actively engaged in practice as a certified public
39 2 accountant or as a licensed public accountant and shall have
39 3 been so engaged for five years preceding appointment, the last
39 4 two of which shall have been in this state. Professional
39 5 associations or societies composed of certified public
39 6 accountants or licensed public accountants may recommend the
39 7 names of potential board members to the governor. However,
39 8 the governor is not bound by the recommendations. A board
39 9 member is not required to be a member of any professional
39 10 association or society composed of certified public
39 11 accountants or licensed public accountants. The term of each
39 12 member of the board shall be three years, as designated by the
39 13 governor, and appointments to the board are subject to the
39 14 requirements of sections 69.16, 69.16A, and 69.19. ~~Members of~~
~~39 15 the board appointed and serving pursuant to chapter 542C, Code~~
~~39 16 2001, on July 1, 2002, shall serve out the terms for which~~
~~39 17 they were appointed.~~ Vacancies occurring during a term shall
39 18 be filled by appointment by the governor for the unexpired
39 19 term. Upon the expiration of the member's term of office, a
39 20 member shall continue to serve until a successor shall have
39 21 been appointed and taken office. The public members of the
39 22 board shall be allowed to participate in administrative,
39 23 clerical, or ministerial functions incident to giving the
39 24 examinations, but shall not determine the content or determine
39 25 the correctness of the answers. The licensed public
39 26 accountant member shall not determine the content of the
39 27 certified public accountant examination or determine the
39 28 correctness of the answers. Any member of the board whose
39 29 certificate under section 542.6 or license under section 542.8
39 30 is revoked or suspended shall automatically cease to be a
39 31 member of the board, and the governor may, after a hearing,
39 32 remove any member of the board for neglect of duty or other
39 33 just cause. A person who has served three successive complete
39 34 terms shall not be eligible for reappointment, but appointment
39 35 to fill an unexpired term shall not be considered a complete



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

40 1 term for this purpose.

40 2 Sec. 61. Section 542.5, subsection 8, Code 2007, is

40 3 amended to read as follows:

40 4 8. An applicant must pass an examination which shall be

40 5 offered at least twice per year and which shall test the

40 6 applicant's knowledge of the subjects of accounting and

40 7 auditing, and such other related subjects as the board may

40 8 specify by rule, including but not limited to business law and

40 9 taxation. The examination shall be held at a time determined

40 10 by the board and may be changed from time to time. The board

40 11 shall prescribe by rule the methods of applying for and

40 12 conducting the examination, including methods for grading and

40 13 determining a passing grade required of an applicant for a

40 14 certificate. However, the board, to the extent possible,

40 15 shall ensure the examination, grading of the examination, and

40 16 the passing grades are uniform with those applicable in all

40 17 other states. The board may make such use of all or any part

40 18 of a nationally recognized uniform certified public accountant

40 19 examination and advisory grading service, and may contract

40 20 with third parties to perform such administrative services

40 21 with respect to the examination as it deems appropriate to

40 22 perform the duties of the board with respect to examination.

40 23 ~~Except as otherwise provided under this section, a person who~~

~~40 24 has partially passed the examination required by this~~

~~40 25 subsection by passing one or more subjects prior to December~~

~~40 26 31, 2000, has until December 31, 2003, to successfully~~

~~40 27 complete the examination process and qualify for a certificate~~

~~40 28 under the educational requirements in effect prior to December~~

~~40 29 31, 2000.~~

40 30 Sec. 62. Section 554.2505, subsection 2, Code Supplement

40 31 2007, is amended to read as follows:

40 32 2. When shipment by the seller with reservation of a

40 33 security interest is in violation of the contract for sale it

40 34 constitutes an improper contract for transportation ~~within the~~

~~40 35 preceding~~ under section 554.2504 but impairs neither the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

41 1 rights given to the buyer by shipment and identification of
41 2 the goods to the contract nor the seller's powers as a holder
41 3 of a negotiable document of title.

41 4 Sec. 63. Section 564.3, Code 2007, is amended to read as
41 5 follows:

41 6 564.3 ~~FOOTWAY PEDESTRIAN RIGHTS=OF=WAY OR EASEMENTS.~~

41 7 ~~No right of footway, except claimed in connection with a~~
~~41 8 right to pass with carriages, An easement or right-of-way for~~
41 9 pedestrian traffic shall not be acquired by prescription or
41 10 adverse use for any length of time except when claimed in
41 11 connection with an easement or right-of-way to permit passage
41 12 of public or private vehicular traffic.

41 13 Sec. 64. Section 600A.2, subsections 6 and 8, Code 2007,
41 14 are amended to read as follows:

41 15 6. "Custodian" means a stepparent or a relative within the
41 16 fourth degree of consanguinity to a minor child who has
41 17 assumed responsibility for that child, a person who has
41 18 accepted a release of custody, or a person appointed by a
41 19 court or juvenile court having jurisdiction over a child. A
41 20 "custodian" has the rights and duties provided in section

41 21 600A.2A. The rights and duties of a custodian with respect to
41 22 a child shall be as follows:

41 23 ~~a. To maintain or transfer to another the physical~~
41 24 ~~possession of that child.~~

41 25 ~~b. To protect, train, and discipline that child.~~

41 26 ~~c. To provide food, clothing, housing, and ordinary~~
41 27 ~~medical care for that child.~~

41 28 ~~d. To consent to emergency medical care, including~~
41 29 ~~surgery.~~

41 30 ~~e. To sign a release of medical information to a health~~
41 31 ~~professional.~~

41 32 ~~All rights and duties of a custodian shall be subject to any~~
41 33 ~~residual rights and duties remaining in a parent or guardian.~~

41 34 8. "Guardian" means a person who is not the parent of a
41 35 minor child, but who has been appointed by a court or juvenile



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

42 1 court having jurisdiction over the minor child to make
42 2 important decisions which have permanent effect on the life
42 3 and development of that child and to promote the general
42 4 welfare of that child. A guardian has the rights and duties
42 5 provided in section 600A.2B. A guardian may be a court or a
42 6 juvenile court. Guardian does not mean conservator, as
42 7 defined in section 633.3, although a person who is appointed
42 8 to be a guardian may also be appointed to be a conservator.
42 9 ~~Unless otherwise enlarged or circumscribed by a court or~~
~~42 10 juvenile court having jurisdiction over the minor child or by~~
~~42 11 operation of law, the rights and duties of a guardian with~~
~~42 12 respect to a minor child shall be as follows:~~
42 13 a. ~~To consent to marriage, enlistment in the armed forces~~
~~42 14 of the United States, or medical, psychiatric or surgical~~
~~42 15 treatment.~~
42 16 b. ~~To serve as custodian, unless another person has been~~
~~42 17 appointed custodian.~~
42 18 c. ~~To make reasonable visitations if the guardian does not~~
~~42 19 have physical possession or custody of the minor child.~~
42 20 d. ~~To consent to adoption and to make any other decision~~
~~42 21 that the parents could have made when the parent-child~~
~~42 22 relationship existed.~~
42 23 Sec. 65. NEW SECTION. 600A.2A RIGHTS AND DUTIES OF
42 24 CUSTODIAN.
42 25 1. The rights and duties of a custodian with respect to a
42 26 child shall be as follows:
42 27 a. To maintain or transfer to another the physical
42 28 possession of that child.
42 29 b. To protect, train, and discipline that child.
42 30 c. To provide food, clothing, housing, and ordinary
42 31 medical care for that child.
42 32 d. To consent to emergency medical care, including
42 33 surgery.
42 34 e. To sign a release of medical information to a health
42 35 professional.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

43 1 2. All rights and duties of a custodian shall be subject
43 2 to any residual rights and duties remaining in a parent or
43 3 guardian.

43 4 Sec. 66. NEW SECTION. 600A.2B RIGHTS AND DUTIES OF
43 5 GUARDIAN.

43 6 Unless otherwise enlarged or circumscribed by a court or
43 7 juvenile court having jurisdiction over the minor child or by
43 8 operation of law, the rights and duties of a guardian with
43 9 respect to a minor child shall be as follows:

43 10 1. To consent to marriage, enlistment in the armed forces
43 11 of the United States, or medical, psychiatric, or surgical
43 12 treatment.

43 13 2. To serve as custodian, unless another person has been
43 14 appointed custodian.

43 15 3. To make reasonable visitations if the guardian does not
43 16 have physical possession or custody of the minor child.

43 17 4. To consent to adoption and to make any other decision
43 18 that the parents could have made when the parent-child
43 19 relationship existed.

43 20 Sec. 67. Section 615.1, Code 2007, is amended to read as
43 21 follows:

43 22 615.1 EXECUTION ON CERTAIN JUDGMENTS PROHIBITED.

43 23 1. A After the expiration of a period of two years from
43 24 the date of entry of judgment, exclusive of any time during
43 25 which execution on the judgment was stayed pending a
43 26 bankruptcy action, a judgment entered in an action for either
43 27 of the following actions the foreclosure of a real estate
43 28 mortgage, deed of trust, or real estate contract upon property
43 29 which at the time of judgment is either used for an
43 30 agricultural purpose as defined in section 535.13 or a
43 31 one-family or two-family dwelling which is the residence of
43 32 the mortgagor, or in any action on a claim for rent shall be
43 33 null and void, all liens shall be extinguished, and no
43 34 execution shall be issued for any purpose other than as a
43 35 setoff or counterclaim ~~after the expiration of a period of two~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

~~House Study Bill 707 continued~~

~~44 1 years, exclusive of any time during which execution on the~~
~~44 2 judgment was stayed pending a bankruptcy action, from the~~
~~44 3 entry thereof.:~~
44 4 a. An action for the foreclosure of a real estate
44 5 mortgage, deed of trust, or real estate contract upon property
44 6 which at the time of judgment is either used for an
44 7 agricultural purpose as defined in section 535.13 or as a
44 8 one-family or two-family dwelling which is the residence of
44 9 the mortgagor.
44 10 b. An action on a claim for rent.
44 11 2. As used in this section, "mortgagor" means a mortgagor
44 12 or a borrower executing a deed of trust as provided in chapter
44 13 654 or a vendee of a real estate contract.
44 14 Sec. 68. Section 622.10, subsection 6, Code Supplement
44 15 2007, is amended to read as follows:
44 16 6. A qualified school guidance counselor, who ~~has met the~~
~~44 17 certification and accreditation standards of the department of~~
~~44 18 education as provided in section 256.11, subsection 10, is~~
44 19 licensed by the board of educational examiners under chapter
44 20 272 and who obtains information by reason of the counselor's
44 21 employment as a qualified school guidance counselor, shall not
44 22 be allowed, in giving testimony, to disclose any confidential
44 23 communications properly entrusted to the counselor by a pupil
44 24 or the pupil's parent or guardian in the counselor's capacity
44 25 as a qualified school guidance counselor and necessary and
44 26 proper to enable the counselor to perform the counselor's
44 27 duties as a qualified school guidance counselor.
44 28 Sec. 69. Section 633.113, Code 2007, is amended to read as
44 29 follows:
44 30 633.113 COMMITMENT.
44 31 If, upon being served with an order of the court requiring
44 32 appearance for interrogation, as provided in ~~the preceding~~
~~44 33 sections hereof~~ section 633.112, any person fails to appear in
44 34 accordance therewith, or if, having appeared, the person
44 35 refuses to answer any question which the court thinks proper



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

45 1 to be put to the person in the course of such examination, or
45 2 if the person fails to comply with the order of the court
45 3 requiring the delivery of the property to the fiduciary, the
45 4 person may be committed to the jail of the county until the
45 5 person does.

45 6 Sec. 70. Section 715A.2A, subsection 2, Code 2007, is
45 7 amended to read as follows:

45 8 2. An employer who establishes that it has complied in
45 9 good faith with the requirements of 8 U.S.C. } ~~1324(b)~~
45 10 1324a(b) with respect to the hiring or continued employment of
45 11 an alien in the United States has established an affirmative
45 12 defense that the employer has not violated this section.

45 13 Sec. 71. Sections 15.221, 15.222, 15.223, 15.224, and
45 14 15.225, Code 2007, are repealed.

45 15 Sec. 72. Section 327B.6, Code Supplement 2007, is
45 16 repealed.

45 17 DIVISION II

45 18 VOLUME I RENUMBERING

45 19 Sec. 73. Section 2.14, subsections 1 and 3, Code 2007, are
45 20 amended to read as follows:

45 21 1. a. A standing committee of either house or a
45 22 subcommittee when authorized by the chairperson of the
45 23 standing committee, may meet when the general assembly is not
45 24 in session in the manner provided in this section and upon
45 25 call pursuant to the rules of the house or senate. In case of
45 26 vacancy in the chair or in the chairperson's absence, the
45 27 ranking member shall act as chairperson.

45 28 b. A standing committee or subcommittee may act on bills
45 29 and resolutions in the interim between the first and second
45 30 regular sessions of a general assembly. A standing committee
45 31 may also study and draft proposed committee bills. However,
45 32 unless the subject matter of a study or proposed committee
45 33 bill has been assigned to a standing committee for study by
45 34 the general assembly or legislative council, the services of
45 35 the legislative services agency cannot be utilized.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

46 1 c. The date, time, and place of any meeting of a standing
46 2 committee shall, by the person or persons calling the meeting,
46 3 be reported to and be available to the public in the office of
46 4 the director of the legislative services agency at least five
46 5 days prior to the meeting.

46 6 d. A standing committee may hold public hearings and
46 7 receive testimony upon any subject matter within its
46 8 jurisdiction.

46 9 3. Interim studies utilizing the services of the
46 10 legislative services agency must be authorized by the general
46 11 assembly or the legislative council. ~~A standing committee may~~
46 12 ~~also study and draft proposed committee bills. However,~~
46 13 ~~unless the subject matter of a study or proposed committee~~
46 14 ~~bill has been assigned to a standing committee for study by~~
46 15 ~~the general assembly or legislative council, the services of~~
46 16 ~~the legislative services agency cannot be utilized.~~

46 17 a. Nonlegislative members shall not serve upon any study
46 18 committee, unless approved by the legislative council. ~~A~~
46 19 ~~standing committee may hold public hearings and receive~~
46 20 ~~testimony upon any subject matter within its jurisdiction.~~

46 21 b. Nonlegislative members of study committees shall be
46 22 paid their necessary travel and actual expenses incurred in
46 23 attending committee or subcommittee meetings for the purposes
46 24 of the study.

46 25 Sec. 74. Section 2.32, Code 2007, is amended to read as
46 26 follows:

46 27 2.32 CONFIRMATION OF APPOINTMENTS == PROCEDURES.

46 28 1. The governor shall either make an appointment or file a
46 29 notice of deferred appointment by March 15 for the following
46 30 appointments which are subject to confirmation by the senate:

46 31 a. An appointment to fill a term beginning on May 1 of
46 32 that year.

46 33 b. An appointment to fill a vacancy, other than as
46 34 provided for in paragraph "d," existing prior to the convening
46 35 of the general assembly in regular session in that year.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

47 1 c. An appointment to fill a vacancy, other than as
47 2 provided for in paragraph "d," which is known, prior to the
47 3 convening of the general assembly in regular session, will
47 4 occur before May 1 of that year.

47 5 d. An appointment to fill a vacancy existing in a
47 6 full-time compensated position on December 15 prior to the
47 7 convening of the general assembly.

47 8 2. The governor shall file by February 1 with the
47 9 secretary of the senate a list of all the appointment
47 10 positions requiring gubernatorial action pursuant to
47 11 subsection 1. The secretary of the senate shall provide the
47 12 governor a written acknowledgment of the list within five days
47 13 of its receipt. The senate shall approve the list or request
47 14 corrections by resolution by February 15.

47 15 3. The governor shall submit all appointments requiring
47 16 confirmation by the senate and notices of deferred appointment
47 17 to the secretary of the senate who shall provide the
47 18 governor's office with receipts of submission. Each notice of
47 19 appointment shall be accompanied by a statement of the
47 20 appointee's political affiliation. The notice of a deferred
47 21 appointment shall be filed by the governor with the secretary
47 22 of the senate and accompanied by a statement of reasons for
47 23 the deferral.

47 24 4. A gubernatorial appointee, whose appointment is subject
47 25 to confirmation by the senate and who serves at the pleasure
47 26 of the governor, is subject to reconfirmation by the senate
47 27 during the regular session of the general assembly convening
47 28 in January if the appointee will complete the appointee's
47 29 fourth year in office on or before the following April 30.
47 30 For the purposes of this section, the submission of an
47 31 appointee for reconfirmation is deemed the same as the
47 32 submission of an appointee for confirmation and the procedures
47 33 of this section regarding confirmation and the consequences of
47 34 refusal to confirm are the same for reconfirmation.

47 35 5. If an appointment subject to senate confirmation is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

48 1 required by statute to be made by an appointing authority
48 2 other than the governor, the duties assigned under this
48 3 section to the governor shall be performed by the appointing
48 4 authority.

48 5 ~~2.~~ 6. If a vacancy in a position requiring confirmation
48 6 by the senate, other than a full-time compensated position,
48 7 occurs after the convening of the general assembly in regular
48 8 session, the governor shall, within sixty calendar days after
48 9 the vacancy occurs, either make an appointment or file a
48 10 notice of deferred appointment unless the general assembly has
48 11 adjourned its regular session before the sixty-day period
48 12 expires. If a vacancy in a full-time compensated position
48 13 requiring senate confirmation occurs after December 15, the
48 14 governor shall, within ninety calendar days after the vacancy
48 15 occurs, make an appointment or file a notice of deferred
48 16 appointment unless the general assembly has adjourned its
48 17 regular session before the ninety-day period expires.

48 18 ~~3.~~ 7. If an appointment is submitted pursuant to
48 19 subsection 1, the senate shall by April 15 of that year either
48 20 approve, disapprove, or by resolution defer consideration of
48 21 confirmation of the appointment. If an appointment is
48 22 submitted pursuant to subsection ~~2~~ 6, the senate shall either
48 23 approve, disapprove, or by resolution defer consideration of
48 24 confirmation of the appointment within thirty days after
48 25 receiving the appointment from the governor. The senate may
48 26 defer consideration of an appointment until a later time
48 27 during that session, but the senate shall not adjourn that
48 28 session until all appointments submitted pursuant to this
48 29 section before the last thirty days of the session are
48 30 approved or disapproved. If a nomination is submitted during
48 31 the last thirty days of the session, the senate may by
48 32 resolution defer consideration of the appointment until the
48 33 next regular session of the general assembly and the
48 34 nomination shall be considered as though made during the
48 35 legislative interim.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

49 1 ~~Sixty days after a person's appointment has been~~
49 2 ~~disapproved by the senate, that person shall not serve in that~~
49 3 ~~position as an interim appointment or by holding over in~~
49 4 ~~office and the governor shall submit another appointment or~~
49 5 ~~file a notice of deferred appointment before the sixty-day~~
49 6 ~~period expires.~~

49 7 ~~4. The governor shall submit all appointments requiring~~
49 8 ~~confirmation by the senate and notices of deferred appointment~~
49 9 ~~to the secretary of the senate who shall provide the~~
49 10 ~~governor's office with receipts of submission. Each notice of~~
49 11 ~~appointment shall be accompanied by a statement of the~~
49 12 ~~appointee's political affiliation. The notice of a deferred~~
49 13 ~~appointment shall be filed by the governor with the secretary~~
49 14 ~~of the senate and accompanied by a statement of reasons for~~
49 15 ~~the deferral.~~

49 16 ~~5. 8. The confirmation of every appointment submitted to~~
49 17 ~~the senate requires the approval of two-thirds of the members~~
49 18 ~~of the senate. The senate shall adopt rules governing the~~
49 19 ~~referral of appointments to committees, the reports of~~
49 20 ~~committees on appointments, and the confirmation of~~
49 21 ~~appointments by the senate.~~

49 22 ~~6. The confirmation of every appointment submitted to the~~
49 23 ~~senate requires the approval of two-thirds of the members of~~
49 24 ~~the senate.~~

49 25 ~~9. A person whose appointment is subject to senate~~
49 26 ~~confirmation shall make available to the senate committee to~~
49 27 ~~which the appointment is referred, upon the committee's~~
49 28 ~~request, a notarized statement that the person has filed~~
49 29 ~~federal and state income tax returns for the three years~~
49 30 ~~immediately preceding the appointment, or a notarized~~
49 31 ~~statement of the legal reason for failure to file. If the~~
49 32 ~~appointment is to a board, commission, council, or other body~~
49 33 ~~empowered to take disciplinary action, all complaints and~~
49 34 ~~statements of charges, settlement agreements, findings of~~
49 35 ~~fact, and orders pertaining to any disciplinary action taken~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

50 1 by that board, commission, council, or body in a contested
50 2 case against the person whose appointment is being reviewed by
50 3 the senate shall be made available to the senate committee to
50 4 which the appointment is referred upon its request.

50 5 10. All tax records, complaint files, investigation files,
50 6 other investigation reports, and other investigative
50 7 information in the possession of the committee which relate to
50 8 appointee tax filings or complaints and statements of charges,
50 9 settlement agreements, findings of fact, and orders from any
50 10 past disciplinary action in a contested case against the
50 11 appointee are privileged and confidential and they are not
50 12 subject to discovery, subpoena, or other means of legal
50 13 compulsion for their release to a person other than the
50 14 appointee unless otherwise provided by law.

50 15 ~~7. The governor shall file by February 1 with the~~
~~50 16 secretary of the senate a list of all the appointment~~
~~50 17 positions requiring gubernatorial action pursuant to~~
~~50 18 subsection 1. The secretary of the senate shall provide the~~
~~50 19 governor a written acknowledgment of the list within five days~~
~~50 20 of its receipt. The senate shall approve the list or request~~
~~50 21 corrections by resolution by February 15.~~

50 22 ~~8. A gubernatorial appointee, whose appointment is subject~~
~~50 23 to confirmation by the senate and who serves at the pleasure~~
~~50 24 of the governor, is subject to reconfirmation by the senate~~
~~50 25 during the regular session of the general assembly convening~~
~~50 26 in January if the appointee will complete the appointee's~~
~~50 27 fourth year in office on or before the following April 30.~~
~~50 28 For the purposes of this section, the submission of an~~
~~50 29 appointee for reconfirmation is deemed the same as the~~
~~50 30 submission of an appointee for confirmation and the procedures~~
~~50 31 of this section regarding confirmation and the consequences of~~
~~50 32 refusal to confirm are the same for reconfirmation.~~

50 33 ~~9. If an appointment subject to senate confirmation is~~
~~50 34 required by statute to be made by an appointing authority~~
~~50 35 other than the governor, the duties assigned under this~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

~~House Study Bill 707 continued~~

~~51 1 section to the governor shall be performed by the appointing
51 2 authority.~~

51 3 11. Sixty days after a person's appointment has been
51 4 disapproved by the senate, that person shall not serve in that
51 5 position as an interim appointment or by holding over in
51 6 office and the governor shall submit another appointment or
51 7 file a notice of deferred appointment before the sixty-day
51 8 period expires.

51 9 Sec. 75. Section 8.3A, Code 2007, is amended to read as
51 10 follows:

51 11 8.3A CAPITAL PROJECT PLANNING AND BUDGETING == GOVERNOR'S
51 12 DUTIES.

51 13 1. DEFINITIONS. For the purposes of this section:

51 14 a. "Capital project" does not include highway and
51 15 right-of-way projects or airport capital projects undertaken
51 16 by the state department of transportation and financed from
51 17 dedicated funds or capital projects funded by nonstate grants,
51 18 gifts, or contracts obtained at or through state universities,
51 19 if the projects do not require a commitment of additional
51 20 state resources for maintenance, operations, or staffing.

~~51 21 A capital project shall not be divided into smaller
51 22 projects in such a manner as to thwart the intent of this
51 23 section to provide for the evaluation of a capital project
51 24 whose cost cumulatively equals or exceeds two hundred fifty
51 25 thousand dollars.~~

51 26 b. "Facility" means a distinct parcel of land or a
51 27 building used by the state or a state agency for a specific
51 28 purpose.

51 29 c. "State agency" means any executive, judicial, or
51 30 legislative department, commission, board, institution,
51 31 division, bureau, office, agency, or other entity of state
51 32 government.

51 33 2. DUTIES. The governor shall:

51 34 a. Develop criteria for the evaluation of proposed capital
51 35 projects which shall include but not be limited to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

52 1 following:
52 2 (1) Fiscal impacts on costs and revenues.
52 3 (2) Health and safety effects.
52 4 (3) Community economic effects.
52 5 (4) Environmental, aesthetic, and social effects.
52 6 (5) Amount of disruption and inconvenience caused by the
52 7 capital project.
52 8 (6) Distributional effects.
52 9 (7) Feasibility, including public support and project
52 10 readiness.
52 11 (8) Implications of deferring the project.
52 12 (9) Amount of uncertainty and risk.
52 13 (10) Effects on interjurisdictional relationships.
52 14 (11) Advantages accruing from relationships to other
52 15 capital project proposals.
52 16 (12) Private sector contracting for construction,
52 17 operation, or maintenance.
52 18 b. Make recommendations to the general assembly and the
52 19 legislative capital projects committee regarding the funding
52 20 and priorities of proposed capital projects.
52 21 c. Develop maintenance standards and guidelines for
52 22 capital projects.
52 23 d. Review financing alternatives available to fund capital
52 24 projects, including the evaluation of the advantages and
52 25 disadvantages of bonding for all types of capital projects
52 26 undertaken by all state agencies.
52 27 e. Monitor the debt of the state or a state agency.
52 28 3. DIVISION OF PROJECT RESTRICTED. A capital project
52 29 shall not be divided into smaller projects in such a manner as
52 30 to thwart the intent of this section to provide for the
52 31 evaluation of a capital project whose cost cumulatively equals
52 32 or exceeds two hundred fifty thousand dollars.
52 33 Sec. 76. Section 8A.204, subsection 3, paragraph g,
52 34 subparagraph (4), Code Supplement 2007, is amended to read as
52 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

53 1 (4) Review and approval of all concept papers and
53 2 documentation related to requests for proposals for all
53 3 information technology devices, hardware acquisition,
53 4 information technology services, software development
53 5 projects, and information technology outsourcing for agencies
53 6 that exceed the greater of a total cost of fifty thousand
53 7 dollars or a total involvement of seven hundred fifty agency
53 8 staff hours- as follows:

53 9 (a) The review and approval of concept papers and
53 10 documentation as provided in this subparagraph shall occur
53 11 prior to the issuance of the related request for proposals.

53 12 (b) Notwithstanding section 21.5, subsection 1, the board,
53 13 by vote of at least six members, may hold a closed session to
53 14 review and discuss concept papers and documentation related to
53 15 a request for proposals if the board determines that the
53 16 public disclosure of such discussion prior to the issuance of
53 17 the request for proposals may disadvantage any potential
53 18 vendors.

53 19 (c) The board shall keep detailed minutes of all
53 20 discussion, persons present, and action occurring at a closed
53 21 session, and shall also tape record all of the closed session.
53 22 The minutes and the tape recording of a session closed under
53 23 this subparagraph shall be made available for public
53 24 examination when a final decision is made regarding whether to
53 25 issue the request for proposals.

53 26 (d) All board actions and decisions regarding this
53 27 information shall be made in open session and appropriately
53 28 recorded.

53 29 Sec. 77. Section 8A.324, Code 2007, is amended to read as
53 30 follows:

53 31 8A.324 DISPOSAL OF PERSONAL PROPERTY.

53 32 1. The director may dispose of personal property of the
53 33 state under the director's control by any of the following
53 34 means:

53 35 ~~1.~~ a. The director may dispose of unfit or unnecessary



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

54 1 personal property by sale. Proceeds from the sale of personal
54 2 property shall be deposited in the general fund of the state.
54 3 ~~2. b.~~ If the director concludes that the personal
54 4 property has little or no value, the director may enter into
54 5 an agreement with a not=for=profit organization or
54 6 governmental agency to dispose of the personal property. The
~~54 7 not=for=profit organization or governmental agency may charge~~
~~54 8 the state agency in control of the property with the cost of~~
~~54 9 removing and transporting the property. Title to the personal~~
~~54 10 property shall transfer when the personal property is in the~~
~~54 11 possession of the not=for=profit organization or governmental~~
~~54 12 agency. If a governmental agency adds value to the property~~
~~54 13 transferred to it and sells it, the proceeds from the sale~~
~~54 14 shall be deposited with the governmental agency and not in the~~
~~54 15 general fund of the state.~~

54 16 ~~A not=for=profit organization or governmental agency that~~
~~54 17 enters into an agreement with the director pursuant to this~~
~~54 18 subsection may sell or otherwise transfer the personal~~
~~54 19 property received from the department to any person that the~~
~~54 20 department would be able to sell or otherwise transfer such~~
~~54 21 property to under this chapter, including, but not limited to,~~
~~54 22 the general public. The authority granted to sell or~~
~~54 23 otherwise transfer personal property pursuant to this~~
~~54 24 paragraph supersedes any other restrictions applicable to the~~
~~54 25 not=for=profit organization or governmental agency, but only~~
~~54 26 for purposes of the personal property received from the~~
~~54 27 department.~~

54 28 ~~3. c.~~ The director may dispose of presses, printing
54 29 equipment, printing supplies, and other machinery or equipment
54 30 used in the printing operation.

54 31 2. A not=for=profit organization or governmental agency
54 32 that enters into an agreement with the director pursuant to
54 33 subsection 1 may charge the state agency in control of the
54 34 property with the cost of removing and transporting the
54 35 property. Title to the personal property shall transfer when



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

55 1 the personal property is in the possession of the
55 2 not-for-profit organization or governmental agency. If a
55 3 governmental agency adds value to the property transferred to
55 4 it and sells it, the proceeds from the sale shall be deposited
55 5 with the governmental agency and not in the general fund of
55 6 the state. The not-for-profit organization or governmental
55 7 agency may sell or otherwise transfer the personal property
55 8 received from the department to any person that the department
55 9 would be able to sell or otherwise transfer such property to
55 10 under this chapter, including but not limited to the general
55 11 public. The authority granted to sell or otherwise transfer
55 12 personal property pursuant to this subsection supersedes any
55 13 other restrictions applicable to the not-for-profit
55 14 organization or governmental agency, but only for purposes of
55 15 the personal property received from the department.

55 16 Sec. 78. Section 8A.413, Code 2007, is amended to read as
55 17 follows:

55 18 8A.413 STATE HUMAN RESOURCE MANAGEMENT == RULES.

55 19 The department shall adopt rules for the administration of
55 20 this subchapter pursuant to chapter 17A. Rulemaking shall be
55 21 carried out with due regard to the terms of collective
55 22 bargaining agreements. A rule shall not supersede a provision
55 23 of a collective bargaining agreement negotiated under chapter
55 24 20. Notwithstanding any provisions to the contrary, a rule or
55 25 regulation shall not be adopted by the department which would
55 26 deprive the state of Iowa, or any of its agencies or
55 27 institutions, of federal grants or other forms of financial
55 28 assistance. The rules shall provide:

55 29 1. For the preparation, maintenance, and revision of a job
55 30 classification plan that encompasses each job in the executive
55 31 branch, excluding job classifications under the state board of
55 32 regents, based upon assigned duties and responsibilities, so
55 33 that the same general qualifications may reasonably be
55 34 required for and the same pay plan may be equitably applied to
55 35 all jobs in the same job classification. The director shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

56 1 classify the position of every employee in the executive
56 2 branch, excluding employees of the state board of regents,
56 3 into one of the classes in the plan. An appointing authority
56 4 or employee adversely affected by a classification or
56 5 reclassification decision may file an appeal with the
56 6 director. Appeals of a classification or reclassification
56 7 decision shall be exempt from the provisions of section 17A.11
56 8 and shall be heard by a committee appointed by the director.
56 9 The classification or reclassification of a position that
56 10 would cause the expenditure of additional salary funds shall
56 11 not become effective if the expenditure of funds would be in
56 12 excess of the total amount budgeted for the department of the
56 13 appointing authority until budgetary approval has been
56 14 obtained from the director of the department of management.
56 15 2. When For notification of the governor when the public
56 16 interest requires a decrease or increase of employees in any
56 17 position or type of employment not otherwise provided by law,
56 18 or the creation or abolishment of any position or type of
56 19 employment, as determined by the director, acting in good
56 20 faith, ~~shall so notify the governor~~. Thereafter, the position
56 21 or type of employment shall stand abolished or created and the
56 22 number of employees therein reduced or increased.
56 23 ~~2.~~ 3. For pay plans covering all employees in the
56 24 executive branch, excluding employees of the state board of
56 25 regents, after consultation with the governor and appointing
56 26 authorities, and consistent with the terms of collective
56 27 bargaining agreements negotiated under chapter 20.
56 28 ~~3.~~ 4. For examinations to determine the relative fitness
56 29 of applicants for employment.
56 30 a. Such examinations shall be practical in character and
56 31 shall relate to such matters as will fairly assess the ability
56 32 of the applicant to discharge the duties of the position to
56 33 which appointment is sought.
56 34 b. Where the Code of Iowa establishes certification,
56 35 registration, or licensing provisions, such documents shall be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

57 1 considered prima facie evidence of basic skills accomplishment
57 2 and such persons shall be exempt from further basic skills
57 3 examination.

57 4 ~~5. Vacancies shall be announced publicly~~ For the public
57 5 announcement of vacancies at least ten days in advance of the
57 6 date fixed for the filing of applications for the vacancies,
57 7 and ~~shall be advertised~~ the advertisement of the vacancies
57 8 through the communications media. The director may, however,
57 9 in the director's discretion, continue to receive applications
57 10 and examine candidates for a period adequate to assure a
57 11 sufficient number of eligibles to meet the needs of the
57 12 system, and may add the names of successful candidates to
57 13 existing eligible lists.

57 14 ~~4. 6.~~ For promotions which shall give appropriate
57 15 consideration to the applicant's qualifications, record of
57 16 performance, and conduct. A promotion means a change in the
57 17 status of an employee from a position in one class to a
57 18 position in another class having a higher pay grade.

57 19 ~~5. 7.~~ For the establishment of lists for appointment and
57 20 promotion, upon which lists shall be placed the names of
57 21 successful candidates.

57 22 ~~6. 8.~~ For the rejection of applicants who fail to meet
57 23 reasonable requirements.

57 24 ~~7. 9.~~ For the appointment by the appointing authority of
57 25 a person on the appropriate list to fill a vacancy.

57 26 ~~8. 10.~~ For a probation period of six months, excluding
57 27 educational or training leave, before appointment may be made
57 28 complete, and during which period a probationer may be
57 29 discharged or reduced in class or pay. If the employee's
57 30 services are unsatisfactory, the employee shall be dropped
57 31 from the payroll on or before the expiration of the probation
57 32 period. If satisfactory, the appointment shall be deemed
57 33 permanent. The determination of the appointing authority
57 34 shall be final and conclusive.

57 35 ~~9. 11.~~ For temporary employment for not more than seven



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

58 1 hundred eighty hours in a fiscal year.
58 2 ~~10.~~ 12. For provisional employment when there is no
58 3 appropriate list available. Such provisional employment shall
58 4 not continue longer than one hundred eighty calendar days.
58 5 ~~11.~~ 13. For transfer from a position in one state agency
58 6 to a similar position in the same state agency or another
58 7 state agency involving similar qualifications, duties,
58 8 responsibilities, and salary ranges. Whenever an employee
58 9 transfers or is transferred from one state agency to another
58 10 state agency, the employee's seniority rights, any accumulated
58 11 sick leave, and accumulated vacation time, as provided in the
58 12 law, shall be transferred to the new place of employment and
58 13 credited to the employee. Employees who are subject to
58 14 contracts negotiated under chapter 20 which include transfer
58 15 provisions shall be governed by the contract provisions.
58 16 ~~12.~~ 14. For reinstatement of persons who have attained
58 17 permanent status and who resign in good standing or who are
58 18 laid off from their positions without fault or delinquency on
58 19 their part.
58 20 ~~13.~~ 15. For establishing in cooperation with the
58 21 appointing authorities a performance management system for all
58 22 employees in the executive branch, excluding employees of the
58 23 state board of regents, which shall be considered in
58 24 determining salary increases; as a factor in promotions; as a
58 25 factor in determining the order of layoffs and in
58 26 reinstatement; as a factor in demotions, discharges, and
58 27 transfers; and for the regular evaluation, at least annually,
58 28 of the qualifications and performance of those employees.
58 29 ~~14.~~ 16. For layoffs by reason of lack of funds or work,
58 30 or reorganization, and for the recall of employees so laid
58 31 off, giving consideration in layoffs to the employee's
58 32 performance record and length of service. An employee who has
58 33 been laid off may be on a recall list for one year, which list
58 34 shall be exhausted by the organizational unit enforcing the
58 35 layoff before selection of an employee may be made from the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

59 1 promotional or nonpromotional list in the employee's
59 2 classification. Employees who are subject to contracts
59 3 negotiated under chapter 20 which include layoff and recall
59 4 provisions shall be governed by the contract provisions.
59 5 ~~15.~~ 17. For imposition, as a disciplinary measure, of a
59 6 suspension from service without pay.
59 7 ~~16.~~ 18. a. For discharge, suspension, or reduction in
59 8 job classification or pay grade for any of the following
59 9 causes:
59 10 (1) Failure to perform assigned duties;
~~59 11 inadequacy.~~
59 12 (2) Inadequacy in performing assigned duties; ~~negligence;~~
~~59 13 inefficiency; incompetence; insubordination; unrehabilitated.~~
59 14 (3) Negligence.
59 15 (4) Inefficiency.
59 16 (5) Incompetence.
59 17 (6) Insubordination.
59 18 (7) Unrehabilitated alcoholism or narcotics addiction;
~~59 19 dishonesty; unlawful.~~
59 20 (8) Dishonesty.
59 21 (9) Unlawful discrimination; ~~failure.~~
59 22 (10) Failure to maintain a license, certificate, or
59 23 qualification necessary for a job classification or position;
~~59 24 any.~~
59 25 (11) Any act or conduct which adversely affects the
59 26 employee's performance or the employing agency; ~~or any.~~
59 27 (12) Any other good cause for discharge, suspension, or
59 28 reduction.
59 29 b. The person discharged, suspended, or reduced shall be
59 30 given a written statement of the reasons for the discharge,
59 31 suspension, or reduction within twenty-four hours after the
59 32 discharge, suspension, or reduction.
59 33 c. All persons concerned with the administration of this
59 34 subchapter shall use their best efforts to ensure that this
59 35 subchapter and the rules adopted pursuant to this subchapter



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

60 1 shall not be a means of protecting or retaining unqualified or
60 2 unsatisfactory employees, and shall discharge, suspend, or
60 3 reduce in job classification or pay grade all employees who
60 4 should be discharged, suspended, or reduced for any of the
60 5 causes stated in this subsection.

60 6 ~~17.~~ 19. For establishment of a uniform plan for resolving
60 7 employee grievances and complaints. Employees who are subject
60 8 to contracts negotiated under chapter 20 which include
60 9 grievance and complaint provisions shall be governed by the
60 10 contract provisions.

60 11 ~~18.~~ 20. For attendance regulations, and special leaves of
60 12 absence, with or without pay, or reduced pay, in the various
60 13 classes of positions in the executive branch, excluding
60 14 positions under the state board of regents.

60 15 a. Employees who are subject to contracts negotiated under
60 16 chapter 20 which include leave of absence provisions shall be
60 17 governed by the contract provisions.

60 18 b. Annual sick leave and vacation time shall be granted in
60 19 accordance with section 70A.1.

60 20 ~~19.~~ 21. For the development and operation of programs to
60 21 improve the work effectiveness and morale of employees in the
60 22 executive branch, excluding employees of the state board of
60 23 regents, including training, safety, health, welfare,
60 24 counseling, recreation, and employee relations.

60 25 ~~20. Notwithstanding any provisions to the contrary, a rule
60 26 or regulation shall not be adopted by the department which
60 27 would deprive the state of Iowa, or any of its agencies or
60 28 institutions, of federal grants or other forms of financial
60 29 assistance.~~

60 30 ~~21.~~ 22. For veterans preference through a provision that
60 31 veterans, as defined in section 35.1, shall have five points
60 32 added to the grade or score attained in qualifying
60 33 examinations for appointment to jobs.

60 34 a. Veterans who have a service-connected disability or are
60 35 receiving compensation, disability benefits, or pension under



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

61 1 laws administered by the veterans administration shall have
61 2 ten points added to the grades attained in qualifying
61 3 examinations.

61 4 b. A veteran who has been awarded the purple heart for
61 5 disabilities incurred in action shall be considered to have a
61 6 service-connected disability.

61 7 ~~22.~~ 23. For acceptance of the qualifications,
61 8 requirements, regulations, and general provisions established
61 9 under other sections of the Code pertaining to professional
61 10 registration, certification, and licensing.

61 11 Sec. 79. Section 8D.3, subsections 1 and 2, Code
61 12 Supplement 2007, are amended to read as follows:

61 13 1. COMMISSION ESTABLISHED. A telecommunications and
61 14 technology commission is established with the sole authority
61 15 to supervise the management, development, and operation of the
61 16 network and ensure that all components of the network are
61 17 technically compatible. The management, development, and
61 18 operation of the network shall not be subject to the
61 19 jurisdiction or control of any other state agency. However,
61 20 the commission is subject to the general operations practices
61 21 and procedures which are generally applicable to other state
61 22 agencies.

61 23 a. The commission shall ensure that the network operates
61 24 in an efficient and responsible manner consistent with the
61 25 provisions of this chapter for the purpose of providing the
61 26 best economic service attainable to the network users
61 27 consistent with the state's financial capacity.

61 28 b. The commission shall ensure that educational users and
61 29 the use, design, and implementation for educational
61 30 applications be given the highest priority concerning use of
61 31 the network.

61 32 c. The commission shall provide for the centralized,
61 33 coordinated use and control of the network.

61 34 2. MEMBERS. The commission is composed of five members
61 35 appointed by the governor and subject to confirmation by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

62 1 senate. Members of the commission shall not serve in any
62 2 manner or be employed by an authorized user of the network or
62 3 by an entity seeking to do or doing business with the network.

62 4 a. The governor shall appoint a member as the chairperson
62 5 of the commission from the five members appointed by the
62 6 governor, subject to confirmation by the senate.

62 7 b. Members of the commission shall serve six-year
62 8 staggered terms as designated by the governor and appointments
62 9 to the commission are subject to the requirements of sections
62 10 69.16, 69.16A, and 69.19. Vacancies shall be filled by the
62 11 governor for the duration of the unexpired term.

62 12 c. The salary of the members of the commission shall be
62 13 twelve thousand dollars per year, except that the salary of
62 14 the chairperson shall be seventeen thousand dollars per year.
62 15 Members of the commission shall also be reimbursed for all
62 16 actual and necessary expenses incurred in the performance of
62 17 duties as members. The benefits and salary paid to the
62 18 members of the commission shall be adjusted annually equal to
62 19 the average of the annual pay adjustments, expense
62 20 reimbursements, and related benefits provided under collective
62 21 bargaining agreements negotiated pursuant to chapter 20.

62 22 d. Meetings of the commission shall be held at the call of
62 23 the chairperson of the commission. In addition to the members
62 24 appointed by the governor, the auditor of state or the
62 25 auditor's designee shall serve as a nonvoting, ex officio
62 26 member of the commission.

~~62 27 The benefits and salary paid to the members of the~~
~~62 28 commission shall be adjusted annually equal to the average of~~
~~62 29 the annual pay adjustments, expense reimbursements, and~~
~~62 30 related benefits provided under collective bargaining~~
~~62 31 agreements negotiated pursuant to chapter 20.~~

62 32 Sec. 80. Section 15.331A, Code 2007, is amended to read as
62 33 follows:

62 34 15.331A SALES AND USE TAX REFUND.

62 35 1. The eligible business shall be entitled to a refund of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

63 1 the sales and use taxes paid under chapter 423 for gas,
63 2 electricity, water, or sewer utility services, goods, wares,
63 3 or merchandise, or on services rendered, furnished, or
63 4 performed to or for a contractor or subcontractor and used in
63 5 the fulfillment of a written contract relating to the
63 6 construction or equipping of a facility of the eligible
63 7 business. Taxes attributable to intangible property and
63 8 furniture and furnishings shall not be refunded. However, an
63 9 eligible business shall be entitled to a refund for taxes
63 10 attributable to racks, shelving, and conveyor equipment to be
63 11 used in a warehouse or distribution center subject to section
63 12 15.331C.

63 13 2. To receive the refund a claim shall be filed by the
63 14 eligible business with the department of revenue as follows:

63 15 ~~1.~~ a. The contractor or subcontractor shall state under
63 16 oath, on forms provided by the department, the amount of the
63 17 sales of goods, wares, or merchandise or services rendered,
63 18 furnished, or performed including water, sewer, gas, and
63 19 electric utility services upon which sales or use tax has been
63 20 paid prior to the project completion, and shall file the forms
63 21 with the eligible business before final settlement is made.

63 22 ~~2.~~ b. The eligible business shall, not more than one year
63 23 after project completion, make application to the department
63 24 for any refund of the amount of the sales and use taxes paid
63 25 pursuant to chapter 423 upon any goods, wares, or merchandise,
63 26 or services rendered, furnished, or performed, including
63 27 water, sewer, gas, and electric utility services. The
63 28 application shall be made in the manner and upon forms to be
63 29 provided by the department, and the department shall audit the
63 30 claim and, if approved, issue a warrant to the eligible
63 31 business in the amount of the sales or use tax which has been
63 32 paid to the state of Iowa under a contract. A claim filed by
63 33 the eligible business in accordance with this section shall
63 34 not be denied by reason of a limitation provision set forth in
63 35 chapter 421 or 423.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

64 1 3. A contractor or subcontractor who willfully makes a
64 2 false report of tax paid under the provisions of this section
64 3 is guilty of a simple misdemeanor and in addition is liable
64 4 for the payment of the tax and any applicable penalty and
64 5 interest.

64 6 Sec. 81. Section 17A.4, Code 2007, is amended to read as
64 7 follows:

64 8 17A.4 PROCEDURE FOR ADOPTION OF RULES.

64 9 1. Prior to the adoption, amendment, or repeal of any rule
64 10 an agency shall:

64 11 a. Give notice of its intended action by submitting the
64 12 notice to the administrative rules coordinator and the
64 13 administrative code editor. The administrative rules
64 14 coordinator shall assign an ARC number to each rulemaking
64 15 document. The administrative code editor shall publish each
64 16 notice meeting the requirements of this chapter in the Iowa
64 17 administrative bulletin created pursuant to section 17A.6.
64 18 Any notice of intended action shall be published at least
64 19 thirty=five days in advance of the action. The notice shall
64 20 include a statement of either the terms or substance of the
64 21 intended action or a description of the subjects and issues
64 22 involved, and the time when, the place where, and the manner
64 23 in which interested persons may present their views.

64 24 b. Afford all interested persons not less than twenty days
64 25 to submit data, views, or arguments in writing. If timely
64 26 requested in writing by twenty=five interested persons, by a
64 27 governmental subdivision, by the administrative rules review
64 28 committee, by an agency, or by an association having not less
64 29 than twenty=five members, the agency must give interested
64 30 persons an opportunity to make oral presentation. The
64 31 opportunity for oral presentation must be held at least twenty
64 32 days after publication of the notice of its time and place in
64 33 the Iowa administrative bulletin. The agency shall consider
64 34 fully all written and oral submissions respecting the proposed
64 35 rule. Within one hundred eighty days following either the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

65 1 notice published according to the provisions of paragraph "a"
65 2 or within one hundred eighty days after the last date of the
65 3 oral presentations on the proposed rule, whichever is later,
65 4 the agency shall adopt a rule pursuant to the rulemaking
65 5 proceeding or shall terminate the proceeding by publishing
65 6 notice of termination in the Iowa administrative bulletin.
65 7 ~~An agency shall include in a preamble to each rule it~~
~~65 8 adopts a brief explanation of the principal reasons for its~~
~~65 9 action and, if applicable, a brief explanation of the~~
~~65 10 principal reasons for its failure to provide in that rule for~~
~~65 11 the waiver of the rule in specified situations if no such~~
~~65 12 waiver provision is included in the rule. This explanatory~~
~~65 13 requirement does not apply when the agency adopts a rule that~~
~~65 14 only defines the meaning of a provision of law if the agency~~
~~65 15 does not possess delegated authority to bind the courts to any~~
~~65 16 extent with its definition. In addition, if requested to do~~
~~65 17 so by an interested person, either prior to adoption or within~~
~~65 18 thirty days thereafter, the agency shall issue a concise~~
~~65 19 statement of the principal reasons for and against the rule~~
~~65 20 adopted, incorporating therein the reasons for overruling~~
~~65 21 considerations urged against the rule. This concise statement~~
~~65 22 shall be issued either at the time of the adoption of the rule~~
~~65 23 or within thirty-five days after the agency receives the~~
~~65 24 request.~~
65 25 c. Mail the number of copies of the proposed rule as
65 26 requested to the state office of a trade or occupational
65 27 association which has registered its name and address with the
65 28 agency. The trade or occupational association shall reimburse
65 29 the agency for the actual cost incurred in providing the
65 30 copies of the proposed rule under this paragraph. Failure to
65 31 provide copies as provided in this paragraph shall not be
65 32 grounds for the invalidation of a rule, unless that failure
65 33 was deliberate on the part of that agency or the result of
65 34 gross negligence.
65 35 2. An agency shall include in a preamble to each rule it



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

66 1 adopts a brief explanation of the principal reasons for its
66 2 action and, if applicable, a brief explanation of the
66 3 principal reasons for its failure to provide in that rule for
66 4 the waiver of the rule in specified situations if no such
66 5 waiver provision is included in the rule. This explanatory
66 6 requirement does not apply when the agency adopts a rule that
66 7 only defines the meaning of a provision of law if the agency
66 8 does not possess delegated authority to bind the courts to any
66 9 extent with its definition. In addition, if requested to do
66 10 so by an interested person, either prior to adoption or within
66 11 thirty days thereafter, the agency shall issue a concise
66 12 statement of the principal reasons for and against the rule
66 13 adopted, incorporating therein the reasons for overruling
66 14 considerations urged against the rule. This concise statement
66 15 shall be issued either at the time of the adoption of the rule
66 16 or within thirty-five days after the agency receives the
66 17 request.

66 18 ~~2.~~ 3. When an agency for good cause finds that notice and
66 19 public participation would be unnecessary, impracticable, or
66 20 contrary to the public interest, the provisions of subsection
66 21 1 shall be inapplicable. The agency shall incorporate in each
66 22 rule issued in reliance upon this provision either the finding
66 23 and a brief statement of the reasons for the finding, or a
66 24 statement that the rule is within a very narrowly tailored
66 25 category of rules whose issuance has previously been exempted
66 26 from subsection 1 by a special rule relying on this provision
66 27 and including such a finding and statement of reasons for the
66 28 entire category. If the administrative rules review committee
66 29 by a two-thirds vote, the governor, or the attorney general
66 30 files with the administrative code editor an objection to the
66 31 adoption of any rule pursuant to this subsection, that rule
66 32 shall cease to be effective one hundred eighty days after the
66 33 date the objection was filed. A copy of the objection,
66 34 properly dated, shall be forwarded to the agency at the time
66 35 of filing the objection. In any action contesting a rule



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

67 1 adopted pursuant to this subsection, the burden of proof shall
67 2 be on the agency to show that the procedures of subsection 1
67 3 were impracticable, unnecessary, or contrary to the public
67 4 interest and that, if a category of rules was involved, the
67 5 category was very narrowly tailored.

67 6 ~~3.~~ 4. Any notice of intended action or rule filed without
67 7 notice pursuant to subsection ~~2~~ 3, which necessitates
67 8 additional annual expenditures of at least one hundred
67 9 thousand dollars or combined expenditures of at least five
67 10 hundred thousand dollars within five years by all affected
67 11 persons, including the agency itself, shall be accompanied by
67 12 a fiscal impact statement outlining the expenditures. The
67 13 agency shall promptly deliver a copy of the statement to the
67 14 legislative services agency. To the extent feasible, the
67 15 legislative services agency shall analyze the statement and
67 16 provide a summary of that analysis to the administrative rules
67 17 review committee. If the agency has made a good faith effort
67 18 to comply with the requirements of this subsection, the rule
67 19 shall not be invalidated on the ground that the contents of
67 20 the statement are insufficient or inaccurate.

67 21 ~~4.~~ 5. No rule adopted after July 1, 1975, is valid unless
67 22 adopted in substantial compliance with the above requirements
67 23 of this section. However, a rule shall be conclusively
67 24 presumed to have been made in compliance with all of the above
67 25 procedural requirements of this section if it has not been
67 26 invalidated on the grounds of noncompliance in a proceeding
67 27 commenced within two years after its effective date.

67 28 ~~5.~~ 6. a. If the administrative rules review committee
67 29 created by section 17A.8, the governor, or the attorney
67 30 general finds objection to all or some portion of a proposed
67 31 or adopted rule because that rule is deemed to be
67 32 unreasonable, arbitrary, capricious, or otherwise beyond the
67 33 authority delegated to the agency, the committee, governor, or
67 34 attorney general may, in writing, notify the agency of the
67 35 objection. In the case of a rule issued under subsection ~~2~~ 3,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

68 1 or a rule made effective under section 17A.5, subsection 2,
68 2 paragraph "b", the committee, governor, or attorney general
68 3 may notify the agency of such an objection. The committee,
68 4 governor, or attorney general shall also file a certified copy
68 5 of such an objection in the office of the administrative code
68 6 editor and a notice to the effect that an objection has been
68 7 filed shall be published in the next issue of the Iowa
68 8 administrative bulletin and in the Iowa administrative code
68 9 when that rule is printed in it. The burden of proof shall
68 10 then be on the agency in any proceeding for judicial review or
68 11 for enforcement of the rule heard subsequent to the filing to
68 12 establish that the rule or portion of the rule timely objected
68 13 to according to the above procedure is not unreasonable,
68 14 arbitrary, capricious, or otherwise beyond the authority
68 15 delegated to it.

68 16 b. If the agency fails to meet the burden of proof
68 17 prescribed for a rule objected to according to the provisions
68 18 of paragraph "a" ~~of this subsection~~, the court shall declare
68 19 the rule or portion of the rule objected to invalid and
68 20 judgment shall be rendered against the agency for court costs.
68 21 Such court costs shall include a reasonable attorney fee and
68 22 shall be payable by the director of the department of
68 23 administrative services from the support appropriations of the
68 24 agency which issued the rule in question.

68 25 ~~6.~~ 7. Upon the vote of two-thirds of its members the
68 26 administrative rules review committee may delay the effective
68 27 date of a rule seventy days beyond that permitted in section
68 28 17A.5, unless the rule was promulgated under section 17A.5,
68 29 subsection 2, paragraph "b". This provision shall be utilized
68 30 by the committee only if further time is necessary to study
68 31 and examine the rule. Notice of an effective date that was
68 32 delayed under this provision shall be published in the Iowa
68 33 administrative code and bulletin.

68 34 ~~7.~~ 8. The governor may rescind an adopted rule by
68 35 executive order within seventy days of the rule becoming



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

69 1 effective. The governor shall provide a copy of the executive
69 2 order to the administrative code editor who shall include it
69 3 in the next publication of the Iowa administrative bulletin.

69 4 Sec. 82. Section 17A.4A, subsections 1, 4, and 7, Code
69 5 2007, are amended to read as follows:

69 6 1. An agency shall issue a regulatory analysis of a
69 7 proposed rule that complies with subsection 2, paragraph "a",
69 8 if, within thirty=two days after the published notice of
69 9 proposed rule adoption, a written request for the analysis is
69 10 submitted to the agency by the administrative rules review
69 11 committee or the administrative rules coordinator. An agency
69 12 shall issue a regulatory analysis of a proposed rule that
69 13 complies with subsection 2, paragraph "b", if the rule would
69 14 have a substantial impact on small business and if, within
69 15 thirty=two days after the published notice of proposed rule
69 16 adoption, a written request for analysis is submitted to the
69 17 agency by the administrative rules review committee, the
69 18 administrative rules coordinator, at least twenty=five persons
69 19 signing that request who each qualify as a small business or
69 20 by an organization representing at least twenty=five such
69 21 persons. If a rule has been adopted without prior notice and
69 22 an opportunity for public participation in reliance upon
69 23 section 17A.4, subsection ~~2~~ 3, the written request for an
69 24 analysis that complies with subsection 2, paragraph "a" or
69 25 "b", may be made within seventy days of publication of the
69 26 rule.

69 27 4. Upon receipt by an agency of a timely request for a
69 28 regulatory analysis, the agency shall extend the period
69 29 specified in this chapter for each of the following until at
69 30 least twenty days after publication in the administrative
69 31 bulletin of a concise summary of the regulatory analysis:

69 32 a. The end of the period during which persons may make
69 33 written submissions on the proposed rule.

69 34 b. The end of the period during which an oral proceeding
69 35 may be requested.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

70 1 c. The date of any required oral proceeding on the
70 2 proposed rule.
70 3 4A. In the case of a rule adopted without prior notice and
70 4 an opportunity for public participation in reliance upon
70 5 section 17A.4, subsection ~~2~~ 3, the summary must be published
70 6 within seventy days of the request.
70 7 7. a. For the purpose of this section, "small business"
70 8 means any entity including but not limited to an individual,
70 9 partnership, corporation, joint venture, association, or
70 10 cooperative, to which all of the following apply:
70 11 ~~a.~~ (1) It is not an affiliate or subsidiary of an entity
70 12 dominant in its field of operation.
70 13 ~~b.~~ (2) It has either twenty or fewer full-time equivalent
70 14 positions or less than one million dollars in annual gross
70 15 revenues in the preceding fiscal year.
70 16 b. For purposes of this definition, "dominant in its field
70 17 of operation" means having more than twenty full-time
70 18 equivalent positions and more than one million dollars in
70 19 annual gross revenues, and "affiliate or subsidiary of an
70 20 entity dominant in its field of operation" means an entity
70 21 which is at least twenty percent owned by an entity dominant
70 22 in its field of operation, or by partners, officers,
70 23 directors, majority stockholders, or their equivalent, of an
70 24 entity dominant in that field of operation.
70 25 Sec. 83. Section 20.5, Code Supplement 2007, is amended to
70 26 read as follows:
70 27 20.5 PUBLIC EMPLOYMENT RELATIONS BOARD.
70 28 1. There is established a board to be known as the "Public
70 29 Employment Relations Board".
70 30 a. The board shall consist of three members appointed by
70 31 the governor, subject to confirmation by the senate. In
70 32 selecting the members of the board, consideration shall be
70 33 given to their knowledge, ability, and experience in the field
70 34 of labor-management relations. No more than two members shall
70 35 be of the same political affiliation, no member shall engage



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

71 1 in any political activity while holding office and the members
71 2 shall devote full time to their duties.

71 3 b. The members shall be appointed for staggered terms of
71 4 four years beginning and ending as provided in section 69.19.

71 5 c. The member first appointed for a term of four years
71 6 shall serve as chairperson and each of the member's successors
71 7 shall also serve as chairperson.

71 8 ~~2.~~ d. Any vacancy occurring shall be filled in the same
71 9 manner as regular appointments are made.

71 10 ~~3. In selecting the members of the board, consideration~~
~~71 11 shall be given to their knowledge, ability, and experience in~~
~~71 12 the field of labor-management relations. The chairperson and~~
~~71 13 the remaining two members shall be compensated as provided in~~
~~71 14 section 7E.6, subsection 5.~~

71 15 ~~4.~~ 2. The board may employ such persons as are necessary
71 16 for the performance of its functions. Personnel of the board
71 17 shall be employed pursuant to the provisions of chapter 8A,
71 18 subchapter IV.

71 19 ~~5.~~ 3. The chairperson and the remaining two members shall
71 20 be compensated as provided in section 7E.6, subsection 5.

71 21 Members of the board and other employees of the board shall be
71 22 allowed their actual and necessary expenses incurred in the
71 23 performance of their duties. All expenses and salaries shall
71 24 be paid from appropriations for such purposes and the board
71 25 shall be subject to the budget requirements of chapter 8.

71 26 Sec. 84. Section 24.26, Code 2007, is amended to read as
71 27 follows:

71 28 24.26 STATE APPEAL BOARD.

71 29 1. The state appeal board in the department of management
71 30 consists of the following:

71 31 ~~1.~~ a. The director of the department of management.

71 32 ~~2.~~ b. The auditor of state.

71 33 ~~3.~~ c. The treasurer of state.

71 34 2. The annual meeting of the state board shall be held on
71 35 the second Tuesday of January in each year. At each annual



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

72 1 meeting the state board shall organize by the election from
72 2 its members of a chairperson and a vice chairperson; and by
72 3 appointing a secretary. Two members of the state board
72 4 constitute a quorum for the transaction of any business.
72 5 3. The state board may appoint one or more competent and
72 6 specially qualified persons as deputies, to appear and act for
72 7 it at initial hearings. ~~The annual meeting of the state board~~
~~72 8 shall be held on the second Tuesday of January in each year.~~
72 9 Each deputy appointed by the state board is entitled to
72 10 receive the amount of the deputy's necessary expenses actually
72 11 incurred while engaged in the performance of the deputy's
72 12 official duties. The expenses shall be audited and approved
72 13 by the state board and proper receipts filed for them.
72 14 4. The expenses of the state board shall be paid from the
72 15 funds appropriated to the department of management.
72 16 Sec. 85. Section 68A.102, subsection 10, Code Supplement
72 17 2007, is amended to read as follows:
72 18 10. a. "Contribution" means:
72 19 ~~a-~~ (1) A gift, loan, advance, deposit, rebate, refund, or
72 20 transfer of money or a gift in kind.
72 21 ~~b-~~ (2) The payment, by any person other than a candidate
72 22 or political committee, of compensation for the personal
72 23 services of another person which are rendered to a candidate
72 24 or political committee for any such purpose.
72 25 b. "Contribution" shall not include ~~services:~~
72 26 (1) Services provided without compensation by individuals
72 27 volunteering their time on behalf of a candidate's committee
72 28 or political committee or a state or county statutory
72 29 political committee except when organized or provided on a
72 30 collective basis by a business, trade association, labor
72 31 union, or any other organized group or association.
72 32 ~~"Contribution" shall not include refreshments~~
72 33 (2) Refreshments served at a campaign function so long as
72 34 such refreshments do not exceed fifty dollars in value or
72 35 transportation provided to a candidate so long as its value



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

73 1 computed at the current rate of reimbursement allowed under
73 2 the standard mileage rate method for computation of business
73 3 expenses pursuant to the Internal Revenue Code does not exceed
73 4 one hundred dollars in value in any one reporting period.

73 5 ~~"Contribution" shall not include something~~
73 6 (3) Something provided to a candidate for the candidate's
73 7 personal consumption or use and not intended for or on behalf
73 8 of the candidate's committee.

73 9 Sec. 86. Section 68B.32A, subsection 2, unnumbered
73 10 paragraph 2, Code Supplement 2007, is amended to read as
73 11 follows:

73 12 2A. The board may establish ~~Establish~~ a process to assign
73 13 signature codes to a person or committee for purposes of
73 14 facilitating an electronic filing procedure. The assignment
73 15 of signature codes shall be kept confidential, notwithstanding
73 16 section 22.2. The board and persons electronically filing
73 17 reports and statements shall keep assigned signature codes or
73 18 subsequently selected signature codes confidential. Signature
73 19 codes shall not be subject to state security policies
73 20 regarding frequency of change.

73 21 Sec. 87. Section 73A.21, Code 2007, is amended to read as
73 22 follows:

73 23 73A.21 RECIPROCAL RESIDENT BIDDER PREFERENCE BY STATE, ITS
73 24 AGENCIES, AND POLITICAL SUBDIVISIONS.

73 25 1. For purposes of this section:

73 26 a. "Public improvement" means public improvements as
73 27 defined in section 73A.1 and includes road construction,
73 28 reconstruction, and maintenance projects.

73 29 b. "Resident bidder" means a person authorized to transact
73 30 business in this state and having a place of business for
73 31 transacting business within the state at which it is
73 32 conducting and has conducted business for at least six months
73 33 prior to the first advertisement for the public improvement
73 34 and in the case of a corporation, having at least fifty
73 35 percent of its common stock owned by residents of this state.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

74 1 If another state or foreign country has a more stringent
74 2 definition of a resident bidder, the more stringent definition
74 3 is applicable as to bidders from that state or foreign
74 4 country.

74 5 2. Notwithstanding this chapter, chapter 73, chapter 309,
74 6 chapter 310, chapter 331, or chapter 384, when a contract for
74 7 a public improvement is to be awarded to the lowest
74 8 responsible bidder, a resident bidder shall be allowed a
74 9 preference as against a nonresident bidder from a state or
74 10 foreign country which gives or requires a preference to
74 11 bidders from that state or foreign country. The preference is
74 12 equal to the preference given or required by the state or
74 13 foreign country in which the nonresident bidder is a resident.
74 14 ~~"Resident bidder" means a person authorized to transact~~
74 15 ~~business in this state and having a place of business for~~
74 16 ~~transacting business within the state at which it is~~
74 17 ~~conducting and has conducted business for at least six months~~
74 18 ~~prior to the first advertisement for the public improvement~~
74 19 ~~and in the case of a corporation, having at least fifty~~
74 20 ~~percent of its common stock owned by residents of this state.~~
74 21 ~~If another state or foreign country has a more stringent~~
74 22 ~~definition of a resident bidder, the more stringent definition~~
74 23 ~~is applicable as to bidders from that state or foreign~~
74 24 ~~country.~~

74 25 ~~For purposes of this section, "public improvement" means~~
74 26 ~~public improvements as defined in section 73A.1 and includes~~
74 27 ~~road construction, reconstruction, and maintenance projects.~~

74 28 3. This section applies to the state, its agencies, and
74 29 any political subdivisions of the state.

74 30 4. If it is determined that this may cause denial of
74 31 federal funds which would otherwise be available, or would
74 32 otherwise be inconsistent with requirements of federal law,
74 33 this section shall be suspended, but only to the extent
74 34 necessary to prevent denial of the funds or to eliminate the
74 35 inconsistency with federal requirements.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

75 1 Sec. 88. Section 80.9, Code Supplement 2007, is amended to
75 2 read as follows:

75 3 80.9 DUTIES OF DEPARTMENT == DUTIES AND POWERS OF PEACE
75 4 OFFICERS == STATE PATROL.

75 5 1. It shall be the duty of the department to prevent
75 6 crime, to detect and apprehend criminals, and to enforce such
75 7 other laws as are hereinafter specified. ~~A peace officer of~~
~~75 8 the department when authorized by the commissioner shall have~~
~~75 9 and exercise all the powers of any other peace officer of the~~
~~75 10 state.~~

75 11 2. The state patrol is established in the department. The
75 12 patrol shall be under the direction of the commissioner. The
75 13 number of supervisory officers shall be in proportion to the
75 14 membership of the state patrol. The department shall maintain
75 15 a vehicle theft unit in the state patrol to investigate and
75 16 assist in the examination and identification of stolen,
75 17 altered, or forfeited vehicles.

75 18 3. The department shall be primarily responsible for the
75 19 enforcement of all laws and rules relating to any controlled
75 20 substance or counterfeit substance, except for making
75 21 accountability audits of the supply and inventory of
75 22 controlled substances in the possession of pharmacists,
75 23 physicians, hospitals, and health care facilities as defined
75 24 in section 135C.1, as well as in the possession of any and all
75 25 other individuals or institutions authorized to have
75 26 possession of any controlled substances.

75 27 ~~1. A peace officer shall not exercise the general powers~~
~~75 28 of a peace officer within the limits of any city, except:~~

75 29 ~~a. When so ordered by the direction of the governor;~~

75 30 ~~b. When request is made by the mayor of any city, with the~~
~~75 31 approval of the commissioner;~~

75 32 ~~c. When request is made by the sheriff or county attorney~~
~~75 33 of any county with the approval of the commissioner;~~

75 34 ~~d. While in the pursuit of law violators or in~~
~~75 35 investigating law violations;~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

76 1 ~~e. While making any inspection provided by this chapter,~~
~~76 2 or any additional inspection ordered by the commissioner;~~
76 3 ~~f. When engaged in the investigating and enforcing of fire~~
~~76 4 and arson laws;~~
76 5 ~~g. When engaged in the investigation and enforcement of~~
~~76 6 laws relating to narcotic, counterfeit, stimulant, and~~
~~76 7 depressant drugs.~~
76 8 ~~When a peace officer of the department is acting in~~
~~76 9 cooperation with any other local peace officer, or county~~
~~76 10 attorney in general criminal investigation work, or when~~
~~76 11 acting on a special assignment by the commissioner, the~~
~~76 12 jurisdiction of the peace officer is statewide.~~
76 13 ~~However, the above limitations shall in no way be construed~~
~~76 14 as a limitation as to their power as officers when a public~~
~~76 15 offense is being committed in their presence.~~
76 16 ~~2. In more particular, the duties of a peace officer shall~~
~~76 17 be as follows:~~
76 18 ~~a. To enforce all state laws.~~
76 19 ~~b. To enforce all laws relating to traffic on the public~~
~~76 20 highways of the state, including those relating to the safe~~
~~76 21 and legal operation of passenger cars, motorcycles, motor~~
~~76 22 trucks and buses; to see that proper safety rules are observed~~
~~76 23 and to give first aid to the injured.~~
76 24 ~~e. To investigate all fires; to apprehend persons~~
~~76 25 suspected of arson; to enforce all safety measures in~~
~~76 26 connection with the prevention of fires; to disseminate~~
~~76 27 fire-prevention education; to develop training standards and~~
~~76 28 provide training to fire fighters around the state; and to~~
~~76 29 address other issues related to fire service and emergency~~
~~76 30 response as requested by the state fire service and emergency~~
~~76 31 response council.~~
76 32 ~~d. 4. To~~ The department shall collect and classify, and
76 33 keep at all times available, complete information useful for
76 34 the detection of crime, and the identification and
76 35 apprehension of criminals. Such information shall be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

77 1 available for all peace officers within the state, under such
77 2 regulations as the commissioner may prescribe. The provisions
~~77 3 of chapter 141A do not apply to the entry of human~~
~~77 4 immunodeficiency virus-related information by criminal or~~
~~77 5 juvenile justice agencies, as defined in section 692.1, into~~
~~77 6 the Iowa criminal justice information system or the national~~
~~77 7 crime information center system. The provisions of chapter~~
~~77 8 141A also do not apply to the transmission of the same~~
~~77 9 information from either or both information systems to~~
~~77 10 criminal or juvenile justice agencies. The provisions of~~
~~77 11 chapter 141A also do not apply to the transmission of the same~~
~~77 12 information from either or both information systems to~~
~~77 13 employees of state correctional institutions subject to the~~
~~77 14 jurisdiction of the department of corrections, employees of~~
~~77 15 secure facilities for juveniles subject to the jurisdiction of~~
~~77 16 the department of human services, and employees of city and~~
~~77 17 county jails, if those employees have direct physical~~
~~77 18 supervision over inmates of those facilities or institutions.~~
~~77 19 Human immunodeficiency virus-related information shall not be~~
~~77 20 transmitted over the police radio broadcasting system under~~
~~77 21 chapter 693 or any other radio-based communications system.~~
~~77 22 An employee of an agency receiving human immunodeficiency~~
~~77 23 virus-related information under this section who communicates~~
~~77 24 the information to another employee who does not have direct~~
~~77 25 physical supervision over inmates, other than to a supervisor~~
~~77 26 of an employee who has direct physical supervision over~~
~~77 27 inmates for the purpose of conveying the information to such~~
~~77 28 an employee, or who communicates the information to any person~~
~~77 29 not employed by the agency or uses the information outside the~~
~~77 30 agency is guilty of a class "D" felony. The commissioner~~
~~77 31 shall adopt rules regarding the transmission of human~~
~~77 32 immunodeficiency virus-related information including~~
~~77 33 provisions for maintaining confidentiality of the information.~~
~~77 34 The rules shall include a requirement that persons receiving~~
~~77 35 information from the Iowa criminal justice information system~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

~~House Study Bill 707 continued~~

~~78 1 or the national crime information center system receive
78 2 training regarding confidentiality standards applicable to the
78 3 information received from the system. The commissioner shall
78 4 develop and establish, in cooperation with the department of
78 5 corrections and the Iowa department of public health, training
78 6 programs and program criteria for persons receiving human
78 7 immunodeficiency virus-related information through the Iowa
78 8 criminal justice information system or the national crime
78 9 information center system.~~

78 10 e. 5. To The department shall operate such radio
78 11 broadcasting stations as may be necessary in order to
78 12 disseminate information which will make possible the speedy
78 13 apprehension of lawbreakers, as well as such other information
78 14 as may be necessary in connection with the duties of ~~this~~
~~78 15 office~~ the department.

78 16 f. 6. Provide The department shall provide protection and
78 17 security for persons and property on the grounds of the state
78 18 capitol complex.

78 19 g. 7. To The department shall assist persons who are
78 20 responsible for the care of private and public land in
78 21 identifying growing marijuana plants when the plants are
78 22 reported to the department. The department shall also provide
78 23 education to the persons regarding methods of eradicating the
78 24 plants. The department shall adopt rules necessary to carry
78 25 out this ~~paragraph~~ subsection.

~~78 26 h. To maintain a vehicle theft unit in the state patrol to
78 27 investigate and assist in the examination and identification
78 28 of stolen, altered, or forfeited vehicles.~~

78 29 i. 8. Receive The department shall receive and review the
78 30 budget submitted by the state fire marshal and the state fire
78 31 service and emergency response council. The department shall
78 32 develop training standards, provide training to fire fighters
78 33 around the state, and address other issues related to fire
78 34 service and emergency response as requested by the state fire
78 35 service and emergency response council.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

79 1 ~~j.~~ 9. ~~To~~ The department shall administer section 100B.31
79 2 relating to volunteer emergency services provider death
79 3 benefits.
79 4 3. ~~A peace officer may administer oaths, acknowledge~~
~~79 5 signatures, and take voluntary testimony pursuant to the peace~~
~~79 6 officer's duties as provided by law.~~
79 7 4. ~~The state patrol is established in the department. The~~
~~79 8 patrol shall be under the direction of the commissioner. The~~
~~79 9 number of supervisory officers shall be in proportion to the~~
~~79 10 membership of the state patrol.~~
79 11 5. ~~The department shall be primarily responsible for the~~
~~79 12 enforcement of all laws and rules relating to any controlled~~
~~79 13 substance or counterfeit substance, except for making~~
~~79 14 accountability audits of the supply and inventory of~~
~~79 15 controlled substances in the possession of pharmacists,~~
~~79 16 physicians, hospitals, and health care facilities as defined~~
~~79 17 in section 135C.1, as well as in the possession of any and all~~
~~79 18 other individuals or institutions authorized to have~~
~~79 19 possession of any controlled substances.~~
79 20 Sec. 89. NEW SECTION. 80.9A AUTHORITY AND DUTIES OF
79 21 PEACE OFFICERS OF THE DEPARTMENT.
79 22 1. A peace officer of the department when authorized by
79 23 the commissioner shall have and exercise all the powers of any
79 24 other peace officer of the state.
79 25 2. When a peace officer of the department is acting in
79 26 cooperation with any other local peace officer, or county
79 27 attorney in general criminal investigation work, or when
79 28 acting on a special assignment by the commissioner, the
79 29 jurisdiction of the peace officer is statewide.
79 30 3. A peace officer may administer oaths, acknowledge
79 31 signatures, and take voluntary testimony pursuant to the peace
79 32 officer's duties as provided by law.
79 33 4. An authorized peace officer of the department
79 34 designated to conduct examinations, investigations, or
79 35 inspections and enforce the laws relating to controlled or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

80 1 counterfeit substances shall have all the authority of other
80 2 peace officers and may arrest a person without warrant for
80 3 offenses under this chapter committed in the peace officer's
80 4 presence or, in the case of a felony, if the peace officer has
80 5 probable cause to believe that the person arrested has
80 6 committed or is committing such offense. A peace officer of
80 7 the department shall have the same authority as other peace
80 8 officers to seize controlled or counterfeit substances or
80 9 articles used in the manufacture or sale of controlled or
80 10 counterfeit substances which they have reasonable grounds to
80 11 believe are in violation of law. Such controlled or
80 12 counterfeit substances or articles shall be subject to
80 13 forfeiture.

80 14 5. In more particular, the duties of a peace officer shall
80 15 be as follows:

80 16 a. To enforce all state laws.

80 17 b. To enforce all laws relating to traffic on the public
80 18 highways of the state, including those relating to the safe
80 19 and legal operation of passenger cars, motorcycles, motor
80 20 trucks and buses; to see that proper safety rules are
80 21 observed; and to give first aid to the injured.

80 22 c. To investigate all fires; to apprehend persons
80 23 suspected of arson; to enforce all safety measures in
80 24 connection with the prevention of fires; and to disseminate
80 25 fire-prevention education.

80 26 6. A peace officer shall not exercise the general powers
80 27 of a peace officer within the limits of any city, except as
80 28 follows:

80 29 a. When so ordered by the direction of the governor.

80 30 b. When request is made by the mayor of any city, with the
80 31 approval of the commissioner.

80 32 c. When request is made by the sheriff or county attorney
80 33 of any county with the approval of the commissioner.

80 34 d. While in the pursuit of law violators or in
80 35 investigating law violations.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

81 1 e. While making any inspection provided by this chapter,
81 2 or any additional inspection ordered by the commissioner.
81 3 f. When engaged in the investigating and enforcing of fire
81 4 and arson laws.
81 5 g. When engaged in the investigation and enforcement of
81 6 laws relating to narcotic, counterfeit, stimulant, and
81 7 depressant drugs.
81 8 7. The limitations specified in subsection 6 shall in no
81 9 way be construed as a limitation on the power of peace
81 10 officers when a public offense is being committed in their
81 11 presence.
81 12 Sec. 90. NEW SECTION. 80.9B HUMAN IMMUNODEFICIENCY
81 13 VIRUS=RELATED INFORMATION.
81 14 1. The provisions of chapter 141A do not apply to the
81 15 entry of human immunodeficiency virus=related information by
81 16 criminal or juvenile justice agencies, as defined in section
81 17 692.1, into the Iowa criminal justice information system or
81 18 the national crime information center system.
81 19 2. The provisions of chapter 141A also do not apply to the
81 20 transmission of the same information from either or both
81 21 information systems to criminal or juvenile justice agencies.
81 22 3. The provisions of chapter 141A also do not apply to the
81 23 transmission of the same information from either or both
81 24 information systems to employees of state correctional
81 25 institutions subject to the jurisdiction of the department of
81 26 corrections, employees of secure facilities for juveniles
81 27 subject to the jurisdiction of the department of human
81 28 services, and employees of city and county jails, if those
81 29 employees have direct physical supervision over inmates of
81 30 those facilities or institutions.
81 31 4. Human immunodeficiency virus=related information shall
81 32 not be transmitted over the police radio broadcasting system
81 33 under chapter 693 or any other radio=based communications
81 34 system.
81 35 5. An employee of an agency receiving human



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

82 1 immunodeficiency virus-related information under this section
82 2 who communicates the information to another employee who does
82 3 not have direct physical supervision over inmates, other than
82 4 to a supervisor of an employee who has direct physical
82 5 supervision over inmates for the purpose of conveying the
82 6 information to such an employee, or who communicates the
82 7 information to any person not employed by the agency or uses
82 8 the information outside the agency is guilty of a class "D"
82 9 felony.

82 10 6. The commissioner shall adopt rules regarding the
82 11 transmission of human immunodeficiency virus-related
82 12 information including provisions for maintaining
82 13 confidentiality of the information. The rules shall include a
82 14 requirement that persons receiving information from the Iowa
82 15 criminal justice information system or the national crime
82 16 information center system receive training regarding
82 17 confidentiality standards applicable to the information
82 18 received from the system.

82 19 7. The commissioner shall develop and establish, in
82 20 cooperation with the department of corrections and the
82 21 department of public health, training programs and program
82 22 criteria for persons receiving human immunodeficiency
82 23 virus-related information through the Iowa criminal justice
82 24 information system or the national crime information center
82 25 system.

82 26 Sec. 91. Section 80B.6, Code 2007, is amended to read as
82 27 follows:

82 28 80B.6 COUNCIL CREATED == MEMBERSHIP.

82 29 1. There is created the Iowa law enforcement academy
82 30 council which shall consist of the following seven voting
82 31 members appointed by the governor subject to confirmation by
82 32 the senate to terms of four years commencing as provided in
82 33 section 69.19:

82 34 ~~1.~~ a. Three residents of the state.

82 35 ~~2.~~ b. A sheriff of a county.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

83 1 ~~3.~~ c. A police officer who is a member of a police
83 2 department of a city with a population larger than fifty
83 3 thousand persons.
83 4 ~~4.~~ d. A police officer who is a member of a police
83 5 department of a city with a population of less than fifty
83 6 thousand persons.
83 7 ~~5.~~ e. A member of the department of public safety.
83 8 2. One senator appointed by the president of the senate
83 9 after consultation with the majority leader and the minority
83 10 leader of the senate and one representative appointed by the
83 11 speaker of the house are also ex officio, nonvoting members of
83 12 the council.
83 13 3. In the event a member appointed pursuant to this
83 14 section is unable to complete a term, the vacancy shall be
83 15 filled for the unexpired term in the same manner as the
83 16 original appointment.
83 17 Sec. 92. Section 85.61, subsections 2, 7, and 11, Code
83 18 Supplement 2007, are amended to read as follows:
83 19 2. "Employer" includes and applies to a the following:
83 20 a. A person, firm, association, or corporation, state,
83 21 county, municipal corporation, school corporation, area
83 22 education agency, township as an employer of volunteer fire
83 23 fighters, volunteer emergency rescue technicians, and
83 24 emergency medical care providers only, benefited fire
83 25 district, and the legal representatives of a deceased
83 26 employer. ~~"Employer" includes and applies to a~~
83 27 b. A rehabilitation facility approved for
83 28 purchase=of=service contracts or for referrals by the
83 29 department of human services or the department of education.
83 30 c. ~~"Employer" also includes and applies to an~~ An eligible
83 31 postsecondary institution as defined in section 261C.3,
83 32 subsection 1, a school corporation, or an accredited nonpublic
83 33 school if a student enrolled in the eligible postsecondary
83 34 institution, school corporation, or accredited nonpublic
83 35 school is providing unpaid services under a school=to=work



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

84 1 program that includes, but is not limited to, the components
84 2 provided for in section 258.10, subsection 2, paragraphs "a"
84 3 through "f". However, if a student participating in a
84 4 school-to-work program is participating in open enrollment
84 5 under section 282.18, "employer" means the receiving district.

84 6 ~~"Employer" also includes and applies to a~~

84 7 d. A community college as defined in section 260C.2, if a
84 8 student enrolled in the community college is providing unpaid
84 9 services under a school-to-work program that includes but is
84 10 not limited to the components provided for in section 258.10,
84 11 subsection 2, paragraphs "a" through "f", and that is offered
84 12 by the community college pursuant to a contractual agreement
84 13 with a school corporation or accredited nonpublic school to
84 14 provide the program. If a student participating in a
84 15 school-to-work program that includes but is not limited to the
84 16 components provided for in section 258.10, subsection 2,
84 17 paragraphs "a" through "f", is paid for services provided
84 18 under the program, "employer" means any entity otherwise
84 19 defined as an employer under this subsection which pays the
84 20 student for providing services under the program.

84 21 7. The words "personal injury arising out of and in the
84 22 course of the employment" shall include injuries to employees
84 23 whose services are being performed on, in, or about the
84 24 premises which are occupied, used, or controlled by the
84 25 employer, and also injuries to those who are engaged elsewhere
84 26 in places where their employer's business requires their
84 27 presence and subjects them to dangers incident to the
84 28 business.

84 29 a. Personal injuries sustained by a volunteer fire fighter
84 30 arise in the course of employment if the injuries are
84 31 sustained at any time from the time the volunteer fire fighter
84 32 is summoned to duty as a volunteer fire fighter until the time
84 33 the volunteer fire fighter is discharged from duty by the
84 34 chief of the volunteer fire department or the chief's
84 35 designee.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

85 1 b. Personal injuries sustained by volunteer emergency
85 2 rescue technicians or emergency medical care providers as
85 3 defined in section 147A.1 arise in the course of employment if
85 4 the injuries are sustained at any time from the time the
85 5 volunteer emergency rescue technicians or emergency medical
85 6 care providers are summoned to duty until the time those
85 7 duties have been fully discharged.

85 8 11. ~~a.~~ "Worker" or "employee" means a person who has
85 9 entered into the employment of, or works under contract of
85 10 service, express or implied, or apprenticeship, for an
85 11 employer; an executive officer elected or appointed and
85 12 empowered under and in accordance with the charter and bylaws
85 13 of a corporation, including a person holding an official
85 14 position, or standing in a representative capacity of the
85 15 employer; an official elected or appointed by the state, or a
85 16 county, school district, area education agency, municipal
85 17 corporation, or city under any form of government; a member of
85 18 the state patrol; a conservation officer; and a proprietor,
85 19 limited liability company member, limited liability partner,
85 20 or partner who elects to be covered pursuant to section 85.1A,
85 21 except as specified in this chapter.

85 22 ~~b.~~ a. "Worker" or "employee" includes ~~an~~ the following:

85 23 (1) An inmate as defined in section 85.59 and a person
85 24 described in section 85.60.

85 25 ~~e.~~ (2) ~~"Worker" or "employee" includes an~~ An emergency
85 26 medical care provider as defined in section 147A.1, a
85 27 volunteer emergency rescue technician as defined in section
85 28 147A.1, a volunteer ambulance driver, or an emergency medical
85 29 technician trainee, only if an agreement is reached between
85 30 such worker or employee and the employer for whom the
85 31 volunteer services are provided that workers' compensation
85 32 coverage under this chapter and chapters 85A and 85B is to be
85 33 provided by the employer. An emergency medical care provider
85 34 or volunteer emergency rescue technician who is a worker or
85 35 employee under this ~~paragraph~~ subparagraph is not a casual



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

86 1 employee. "Volunteer ambulance driver" means a person
86 2 performing services as a volunteer ambulance driver at the
86 3 request of the person in charge of a fire department or
86 4 ambulance service of a municipality. "Emergency medical
86 5 technician trainee" means a person enrolled in and training
86 6 for emergency medical technician certification.
86 7 ~~d. (3) "Worker" or "employee" includes a~~ A real estate
86 8 agent who does not provide the services of an independent
86 9 contractor. For the purposes of this ~~paragraph "d"~~
86 10 subparagraph, a real estate agent is an independent contractor
86 11 if the real estate agent is licensed by the Iowa real estate
86 12 commission as a salesperson and both of the following apply:
86 13 ~~(1)~~ (a) Seventy-five percent or more of the remuneration,
86 14 whether or not paid in cash, for the services performed by the
86 15 individual as a real estate salesperson is derived from one
86 16 company and is directly related to sales or other output,
86 17 including the performance of services, rather than to the
86 18 number of hours worked.
86 19 ~~(2)~~ (b) The services performed by the individual are
86 20 performed pursuant to a written contract between the
86 21 individual and the person for whom the services are performed,
86 22 and the contract provides that the individual will not be
86 23 treated as an employee with respect to the services for state
86 24 tax purposes.
86 25 ~~e. (4) "Worker" or "employee" includes a~~ A student
86 26 enrolled in a public school corporation or accredited
86 27 nonpublic school who is participating in a school-to-work
86 28 program that includes but is not limited to the components
86 29 provided for in section 258.10, subsection 2, paragraphs "a"
86 30 through "f". ~~"Worker" or "employee" also includes a~~
86 31 (5) A student enrolled in a community college as defined
86 32 in section 260C.2, who is participating in a school-to-work
86 33 program that includes but is not limited to the components
86 34 provided for in section 258.10, subsection 2, paragraphs "a"
86 35 through "f", and that is offered by the community college



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

87 1 pursuant to a contractual agreement with a school corporation
87 2 or accredited nonpublic school to provide the program.
87 3 ~~f.~~ b. The term "worker" or "employee" shall include the
87 4 singular and plural. Any reference to a worker or employee
87 5 who has been injured shall, when such worker or employee is
87 6 dead, include the worker's or employee's dependents as herein
87 7 defined or the worker's or employee's legal representatives;
87 8 and where the worker or employee is a minor or incompetent, it
87 9 shall include the minor's or incompetent's guardian, next
87 10 friend, or trustee. Notwithstanding any law prohibiting the
87 11 employment of minors, all minor employees shall be entitled to
87 12 the benefits of this chapter and chapters 86 and 87 regardless
87 13 of the age of such minor employee.
87 14 ~~g.~~ c. The following persons shall not be deemed "workers"
87 15 or "employees":
87 16 (1) A person whose employment is purely casual and not for
87 17 the purpose of the employer's trade or business except as
87 18 otherwise provided in section 85.1.
87 19 (2) An independent contractor.
87 20 (3) An owner=operator who, as an individual or partner, or
87 21 shareholder of a corporate owner=operator, owns a vehicle
87 22 licensed and registered as a truck, road tractor, or truck
87 23 tractor by a governmental agency, is an independent contractor
87 24 while performing services in the operation of the
87 25 owner=operator's vehicle if all of the following conditions
87 26 are substantially present:
87 27 (a) The owner=operator is responsible for the maintenance
87 28 of the vehicle.
87 29 (b) The owner=operator bears the principal burden of the
87 30 vehicle's operating costs, including fuel, repairs, supplies,
87 31 collision insurance, and personal expenses for the operator
87 32 while on the road.
87 33 (c) The owner=operator is responsible for supplying the
87 34 necessary personnel to operate the vehicle, and the personnel
87 35 are considered the owner=operator's employees.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

88 1 (d) The owner=operator's compensation is based on factors
88 2 related to the work performed, including a percentage of any
88 3 schedule of rates or lawfully published tariff, and not on the
88 4 basis of the hours or time expended.

88 5 (e) The owner=operator determines the details and means of
88 6 performing the services, in conformance with regulatory
88 7 requirements, operating procedures of the carrier, and
88 8 specifications of the shipper.

88 9 (f) The owner=operator enters into a contract which
88 10 specifies the relationship to be that of an independent
88 11 contractor and not that of an employee.

88 12 (4) Directors of a corporation who are not at the same
88 13 time employees of the corporation; or directors, trustees,
88 14 officers, or other managing officials of a nonprofit
88 15 corporation or association who are not at the same time
88 16 full-time employees of the nonprofit corporation or
88 17 association.

88 18 (5) Proprietors, limited liability company members,
88 19 limited liability partners, and partners who have not elected
88 20 to be covered by the workers' compensation law of this state
88 21 pursuant to section 85.1A.

88 22 Sec. 93. Section 88.8, subsection 3, Code 2007, is amended
88 23 to read as follows:

88 24 3. CONTESTED NOTICE.

88 25 a. If an employer notifies the commissioner that the
88 26 employer intends to contest a citation issued under section
88 27 88.7, or notification issued under subsection 1 or 2 of this
88 28 section or if, within fifteen working days of the issuance of
88 29 a citation under section 88.7, any employee or authorized
88 30 employee representative files a notice with the commissioner
88 31 alleging that the period of time fixed in the citation for the
88 32 abatement of the violation is unreasonable, the commissioner
88 33 shall immediately advise the appeal board of such
88 34 notification, and the appeal board shall afford an opportunity
88 35 for a hearing.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

89 1 b. At the hearing, the appeal board shall act as an
89 2 adjudicatory body. The appeal board shall thereafter issue an
89 3 order, based on findings of fact, affirming, modifying, or
89 4 vacating the commissioner's citation or proposed penalty or
89 5 directing other appropriate relief, and such order shall
89 6 become final thirty days after its issuance.

89 7 c. Upon a showing by an employer of a good faith effort to
89 8 comply with the abatement requirements of a citation, and that
89 9 abatement has not been completed because of factors beyond the
89 10 employer's reasonable control, the commissioner, after an
89 11 opportunity for a hearing shall issue an order affirming or
89 12 modifying the abatement requirements in such citation.

89 13 d. The rules of procedure prescribed by the appeal board
89 14 shall provide affected employees or representatives of
89 15 affected employees an opportunity to participate as parties to
89 16 hearings under this subsection, and shall conform to rules of
89 17 procedure adopted under the federal law by federal authorities
89 18 insofar as the federal rules of procedure do not conflict with
89 19 state law.

89 20 4. WITHDRAWAL OF CITATION OR SETTLEMENT. The commissioner
89 21 has unreviewable discretion to withdraw a citation charging an
89 22 employer with violating this chapter. If the parties enter
89 23 into a settlement agreement prior to a hearing, the employment
89 24 appeal board shall enter an order affirming the agreement.

89 25 Sec. 94. Section 100B.1, subsection 1, Code 2007, is
89 26 amended to read as follows:

89 27 1. The state fire service and emergency response council
89 28 is established in the division of state fire marshal of the
89 29 department of public safety.

89 30 a. The council shall consist of eleven voting members and
89 31 one ex officio, nonvoting member. ~~Members~~ Voting members of
89 32 the state fire service and emergency response council shall be
89 33 appointed by the governor.

89 34 (1) The governor shall appoint voting members of the
89 35 council from a list of nominees submitted by each of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

90 1 following organizations:

90 2 ~~a.~~ (a) Two members from a list submitted by the Iowa
90 3 firemen's association.

90 4 ~~b.~~ (b) Two members from a list submitted by the Iowa fire
90 5 chiefs' association.

90 6 ~~c.~~ (c) One member from a list submitted by the Iowa
90 7 association of professional fire fighters.

90 8 ~~d.~~ (d) Two members from a list submitted by the Iowa
90 9 association of professional fire chiefs.

90 10 ~~e.~~ (e) One member from a list submitted by the Iowa fire
90 11 fighters group.

90 12 ~~f.~~ (f) One member from a list submitted by the Iowa
90 13 emergency medical services association.

90 14 (2) A person nominated for inclusion in the voting
90 15 membership on the council is not required to be a member of
90 16 the organization that nominates the person.

90 17 (3) The tenth and eleventh members of the council shall be
90 18 members of the general public appointed by the governor.

90 19 (4) The labor commissioner, or the labor commissioner's
90 20 designee, shall be a nonvoting, ex officio member of the
90 21 council.

90 22 b. Members of the council shall hold office commencing
90 23 July 1, 2000, for four years and until their successors are
90 24 appointed, except that three initial appointees shall be
90 25 appointed for two years, four initial appointees for three
90 26 years, and four initial appointees for four years.

90 27 c. The fire marshal or the fire marshal's designee shall
90 28 attend each meeting of the council.

90 29 Sec. 95. Section 80.34, Code Supplement 2007, is repealed.

90 30 DIVISION III

90 31 CONFORMING AMENDMENTS TO MISCELLANEOUS PROVISIONS

90 32 AND VOLUME I RENUMBERING

90 33 Sec. 96. Section 7J.1, subsection 7, paragraph b,
90 34 subparagraph (3), Code 2007, is amended to read as follows:

90 35 (3) The administrative rules review committee shall review



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

91 1 the proposed waiver or suspension at the committee's next
91 2 scheduled meeting following submission of the proposal and may
91 3 either take no action or affirmatively approve the waiver or
91 4 suspension, or delay the effective date of the waiver or
91 5 suspension in the same manner as for rules as provided in
91 6 section 17A.4, subsection ~~5~~ 6, and section 17A.8, subsection
91 7 9. If the administrative rules review committee either
91 8 approves or takes no action concerning the proposed waiver or
91 9 suspension, the waiver or suspension may become effective no
91 10 earlier than the day following the meeting. If the
91 11 administrative rules review committee delays the effective
91 12 date of the waiver or suspension but no further action is
91 13 taken to rescind the waiver or suspension, the proposed waiver
91 14 or suspension may become effective no earlier than upon the
91 15 conclusion of the delay. The administrative rules review
91 16 committee shall notify the applicable charter agency of its
91 17 action concerning the proposed waiver or suspension.

91 18 Sec. 97. Section 8D.13, subsection 19, Code 2007, is
91 19 amended to read as follows:

91 20 19. Access to the network shall be offered to the
91 21 department of public safety and the department of public
91 22 defense for the purpose of establishing and operating a shared
91 23 data-only network providing law enforcement, emergency
91 24 management, disaster service, emergency warning, and other
91 25 emergency information dissemination services to federal,
91 26 state, and local law enforcement agencies as provided in
91 27 ~~section~~ sections 80.9 and 80.9B, and local emergency
91 28 management offices established under the authority of sections
91 29 29C.9 and 29C.10.

91 30 Sec. 98. Section 17A.8, subsection 8, Code 2007, is
91 31 amended to read as follows:

91 32 8. If the committee finds objection to a rule, it may
91 33 utilize the procedure provided in section 17A.4, subsection ~~5~~
91 34 6. In addition or in the alternative, the committee may
91 35 include in the referral, under subsection 7, a recommendation



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

92 1 that this rule be overcome by statute. If the committee of
92 2 the general assembly to which a rule is referred finds
92 3 objection to the referred rule, it may recommend to the
92 4 general assembly that this rule be overcome by statute. This
92 5 section shall not be construed to prevent a committee of the
92 6 general assembly from reviewing a rule on its own motion.
92 7 Sec. 99. Section 19B.12, subsections 3 and 4, Code 2007,
92 8 are amended to read as follows:
92 9 3. a. As used in this section, "sexual harassment" means
92 10 persistent, repetitive, or highly egregious conduct directed
92 11 at a specific individual or group of individuals that a
92 12 reasonable person would interpret as intentional harassment of
92 13 a sexual nature, taking into consideration the full context in
92 14 which the conduct occurs, which conduct threatens to impair
92 15 the ability of a person to perform the duties of employment,
92 16 or otherwise function normally within an institution
92 17 responsible for the person's care, rehabilitation, education,
92 18 or training.
92 19 b. "Sexual harassment" may include, but is not limited to,
92 20 the following:
92 21 a. (1) Unsolicited sexual advances by a person toward
92 22 another person who has clearly communicated the other person's
92 23 desire not to be the subject of those advances.
92 24 b. (2) Sexual advances or propositions made by a person
92 25 having superior authority toward another person within the
92 26 workplace or institution.
92 27 c. (3) Instances of offensive sexual remarks or speech or
92 28 graphic sexual displays directed at a person in the workplace
92 29 or institution, who has clearly communicated the person's
92 30 objection to that conduct, and where the person is not free to
92 31 avoid that conduct due to the requirements of the employment
92 32 or the confines or operations of the institution.
92 33 d. (4) Dress requirements that bear no relation to the
92 34 person's employment responsibilities or institutional status.
92 35 4. The department of administrative services for all state



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

93 1 agencies, and the state board of regents for its institutions,
93 2 shall adopt rules and appropriate internal, confidential
93 3 grievance procedures to implement this section, and shall
93 4 adopt procedures for determining violations of this section
93 5 and for ordering appropriate dispositions that may include,
93 6 but are not limited to, discharge, suspension, or reduction in
93 7 rank or grade as defined in section 8A.413, subsection ~~16~~ 18.

93 8 Sec. 100. Section 80B.13, subsection 10, Code Supplement
93 9 2007, is amended to read as follows:

93 10 10. Secure the assistance of the state division of
93 11 criminal investigation in the investigation of alleged
93 12 violations, as provided under section ~~80.9~~ 80.9A, subsection ~~1~~
93 13 6, paragraphs "c" and "g", of the provisions adopted under
93 14 section 80B.11.

93 15 Sec. 101. Section 87.1, subsection 2, Code Supplement
93 16 2007, is amended to read as follows:

93 17 2. A motor carrier who contracts with an owner=operator
93 18 who is acting as an independent contractor pursuant to section
93 19 85.61, subsection 11, paragraph ~~"g"~~ "c", shall not be required
93 20 to insure the motor carrier's liability for the
93 21 owner=operator. A motor carrier may procure compensation
93 22 liability insurance coverage for these owner=operators, and
93 23 may charge the owner=operator for the costs of the premiums.
93 24 A motor carrier shall require the owner=operator to provide
93 25 and maintain a certificate of workers' compensation insurance
93 26 covering the owner=operator's employees. An owner=operator
93 27 shall remain responsible for providing compensation liability
93 28 insurance for the owner=operator's employees.

93 29 Sec. 102. Section 87.23, Code Supplement 2007, is amended
93 30 to read as follows:

93 31 87.23 COMPENSATION LIABILITY INSURANCE NOT REQUIRED.

93 32 A corporation, association, or organization approved by the
93 33 commissioner of insurance to provide compensation liability
93 34 insurance shall not require a motor carrier that contracts
93 35 with an owner=operator who is acting as an independent



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

94 1 contractor pursuant to section 85.61, subsection 11, paragraph
94 2 ~~"g"~~ "c", to purchase compensation liability insurance for the
94 3 employer's liability for the owner-operator or its employees.

94 4 Sec. 103. Section 100B.22, subsection 6, Code Supplement
94 5 2007, is amended to read as follows:

94 6 6. The state fire marshal may adopt administrative rules
94 7 under section 17A.4, subsection ~~2~~ 3, and section 17A.5,
94 8 subsection 2, paragraph "b", to administer this section.

94 9 Sec. 104. Section 141A.9, subsection 2, paragraph j, Code
94 10 Supplement 2007, is amended to read as follows:

94 11 j. To employees of state correctional institutions subject
94 12 to the jurisdiction of the department of corrections,
94 13 employees of secure facilities for juveniles subject to the
94 14 department of human services, and employees of city and county
94 15 jails, if the employees have direct supervision over inmates
94 16 of those facilities or institutions in the exercise of the
94 17 duties prescribed pursuant to section ~~80.9, subsection 2,~~
~~94 18 paragraph "d"~~ 80.9B.

94 19 Sec. 105. Section 147.102, Code Supplement 2007, is
94 20 amended to read as follows:

94 21 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

94 22 Notwithstanding the provisions of this subtitle, every
94 23 application for a license to practice psychology,
94 24 chiropractic, or dentistry shall be made directly to the
94 25 chairperson, executive director, or secretary of the board of
94 26 such profession, and every reciprocal agreement for the
94 27 recognition of any such license issued in another state shall
94 28 be negotiated by the board for such profession. All
94 29 examination, license, and renewal fees received from persons
94 30 licensed to practice any of such professions shall be paid to
94 31 and collected by the chairperson, executive director, or
94 32 secretary of the board of such profession. The salary of the
94 33 secretary shall be established by the governor with the
94 34 approval of the executive council pursuant to section 8A.413,
94 35 subsection ~~2~~ 3, under the pay plan for exempt positions in the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

95 1 executive branch of government.
95 2 Sec. 106. Section 147.103A, subsection 4, Code Supplement
95 3 2007, is amended to read as follows:
95 4 4. Applications for a license shall be made to the
95 5 chairperson, executive director, or secretary of the board.
95 6 All examination, license, and renewal fees shall be paid to
95 7 and collected by the chairperson, executive director, or
95 8 secretary of the board. The salary of the executive director
95 9 of the board shall be established by the governor with
95 10 approval of the executive council pursuant to section 8A.413,
95 11 subsection ~~2~~ 3, under the pay plan for exempt positions in the
95 12 executive branch of government.
95 13 Sec. 107. Section 152.2, Code 2007, is amended to read as
95 14 follows:
95 15 152.2 EXECUTIVE DIRECTOR == ASSISTANTS.
95 16 The board shall appoint a full-time executive director.
95 17 The executive director shall be a registered nurse and shall
95 18 not be a member of the board. The governor, with the approval
95 19 of the executive council pursuant to section 8A.413,
95 20 subsection ~~2~~ 3, under the pay plan for exempt positions in the
95 21 executive branch of government, shall set the salary of the
95 22 executive director.
95 23 Sec. 108. Section 231.22, Code 2007, is amended to read as
95 24 follows:
95 25 231.22 DIRECTOR.
95 26 1. The governor, subject to confirmation by the senate,
95 27 shall appoint a director of the department of elder affairs
95 28 who shall, subject to chapter 8A, subchapter IV, employ and
95 29 direct staff as necessary to carry out the powers and duties
95 30 created by this chapter. The director shall serve at the
95 31 pleasure of the governor. However, the director is subject to
95 32 reconfirmation by the senate as provided in section 2.32,
95 33 subsection ~~2~~ 3. The governor shall set the salary for the
95 34 director within the range set by the general assembly.
95 35 2. The director shall have the following qualifications



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

96 1 and training:

96 2 1. a. Training in the field of gerontology, social work,
96 3 public health, public administration, or other related fields.

96 4 2. b. Direct experience or extensive knowledge of
96 5 programs and services related to elders.

96 6 3. c. Demonstrated understanding and concern for the
96 7 welfare of elders.

96 8 4. d. Demonstrated competency and recent working
96 9 experience in an administrative, supervisory, or management
96 10 position.

96 11 Sec. 109. Section 249A.20A, subsection 10, Code 2007, is
96 12 amended to read as follows:

96 13 10. The department may adopt administrative rules under
96 14 section 17A.4, subsection ~~2~~ 3, and section 17A.5, subsection
96 15 2, paragraph "b", to implement this section.

96 16 Sec. 110. Section 252I.1, subsection 10, Code Supplement
96 17 2007, is amended to read as follows:

96 18 10. "Working days" means only Monday, Tuesday, Wednesday,
96 19 Thursday, and Friday, but excluding the holidays specified in
96 20 section 1C.2, ~~subsections~~ subsection 1 through 9.

96 21 Sec. 111. Section 313.4, subsections 1, 3, and 4, Code
96 22 2007, are amended to read as follows:

96 23 1. a. Said primary road fund is hereby appropriated for
96 24 and shall be used in the establishment, construction and
96 25 maintenance of the primary road system, including the
96 26 drainage, grading, surfacing, construction of bridges and
96 27 culverts, the elimination or improvement of railroad
96 28 crossings, the acquiring of additional right-of-way, all other
96 29 expense incurred in the construction and maintenance of said
96 30 primary road system and the maintenance and housing of the
96 31 department.

96 32 b. The department may expend moneys from the fund for dust
96 33 control on a secondary road or municipal street within a
96 34 municipal street system when there is a notable increase in
96 35 traffic on the secondary road or municipal street due to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

97 1 closure of a road by the department for purposes of
97 2 establishing, constructing, or maintaining a primary road.
97 3 3. There is appropriated from funds appropriated to the
97 4 department which would otherwise revert to the primary road
97 5 fund pursuant to the provisions of the Act appropriating the
97 6 funds or chapter 8, an amount sufficient to pay the increase
97 7 in salaries, which increase is not otherwise provided for by
97 8 the general assembly in an appropriation bill, resulting from
97 9 the annual review of the merit pay plan as provided in section
97 10 8A.413, subsection ~~2~~ 3. The appropriation herein provided
97 11 shall be in effect from the effective date of the revised pay
97 12 plan to the end of the fiscal biennium in which it becomes
97 13 effective.

97 14 4. a. Such fund is appropriated and shall be used by the
97 15 department to provide energy and for the operation and
97 16 maintenance of those primary road freeway lighting systems
97 17 within the corporate boundaries of cities including energy and
97 18 maintenance costs associated with interchange conflict
97 19 lighting on existing and future freeway and expressway
97 20 segments constructed to interstate standards.

97 21 b. The costs of serving freeway lighting for each utility
97 22 providing the service shall be determined by the utilities
97 23 division of the department of commerce, and rates for such
97 24 service shall be no higher than necessary to recover these
97 25 costs. Funds received under the provisions of this subsection
97 26 shall be used solely for the operation and maintenance of a
97 27 freeway lighting system.

97 28 Sec. 112. Section 321.20B, subsection 1, Code Supplement
97 29 2007, is amended to read as follows:

97 30 1. a. Notwithstanding chapter 321A, which requires
97 31 certain persons to maintain proof of financial responsibility,
97 32 a person shall not drive a motor vehicle on the highways of
97 33 this state unless financial liability coverage, as defined in
97 34 section 321.1, subsection 24B, is in effect for the motor
97 35 vehicle and unless the driver has in the motor vehicle the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

98 1 proof of financial liability coverage card issued for the
98 2 motor vehicle, or if the vehicle is registered in another
98 3 state, other evidence that financial liability coverage is in
98 4 effect for the motor vehicle.

98 5 b. It shall be conclusively presumed that a motor vehicle
98 6 driven upon a parking lot which is available to the public
98 7 without charge or which is available to customers or invitees
98 8 of a business or facility without charge was driven on the
98 9 highways of this state in order to enter the parking lot, and
98 10 this section shall be applicable to such a motor vehicle. As
98 11 used in this section, "parking lot" includes access roads,
98 12 drives, lanes, aisles, entrances, and exits to and from a
98 13 parking lot described in this paragraph.

98 14 c. This subsection does not apply to the operator of a
98 15 motor vehicle owned by or leased to the United States, this
98 16 state or another state, or any political subdivision of this
98 17 state or of another state, or to a motor vehicle which is
98 18 subject to section 325A.6 ~~or 327B.6~~.

98 19 Sec. 113. Section 321A.33, Code 2007, is amended to read
98 20 as follows:

98 21 321A.33 EXCEPTIONS.

98 22 This chapter does not apply to any motor vehicle owned by
98 23 the United States, this state, or any political subdivision of
98 24 this state or to any operator, except for section 321A.4,
98 25 while on official duty operating such motor vehicle. This
98 26 chapter does not apply, except for sections 321A.4 and
98 27 321A.26, to any motor vehicle which is subject to section
98 28 325A.6 ~~or 327B.6~~.

98 29 Sec. 114. Section 421.17A, subsection 1, paragraph h, Code
98 30 Supplement 2007, is amended to read as follows:

98 31 h. "Working days" means Monday through Friday, excluding
98 32 the holidays specified in section 1C.2, ~~subsections~~ subsection
98 33 1 through 9.

98 34 Sec. 115. Section 455G.4, subsections 1 and 3, Code 2007,
98 35 are amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

99 1 1. MEMBERS OF THE BOARD.
99 2 a. The Iowa comprehensive petroleum underground storage
99 3 tank fund board is established consisting of the following
99 4 members:
99 5 a. (1) The director of the department of natural
99 6 resources, or the director's designee.
99 7 b. (2) The treasurer of state, or the treasurer's
99 8 designee.
99 9 c. (3) The commissioner of insurance, or the
99 10 commissioner's designee.
99 11 d. (4) Two public members appointed by the governor and
99 12 confirmed by the senate to staggered four-year terms, except
99 13 that of the first members appointed, one public member shall
99 14 be appointed for a term of two years and one for a term of
99 15 four years. A public member shall have experience, knowledge,
99 16 and expertise of the subject matter embraced within this
99 17 chapter. Two public members shall be appointed with
99 18 experience in either, or both, financial markets or insurance.
99 19 e. (5) Two owners or operators appointed by the governor.
99 20 One of the owners or operators appointed pursuant to this
99 21 ~~paragraph~~ subparagraph shall have been a petroleum systems
99 22 insured through the underground storage tank insurance fund as
99 23 it existed on June 30, 2004, or a successor to the underground
99 24 storage tank insurance fund and shall have been an insured
99 25 through the insurance account of the comprehensive petroleum
99 26 underground storage tank fund on or before October 26, 1990.
99 27 One of the owners or operators appointed pursuant to this
99 28 ~~paragraph~~ subparagraph shall be self-insured.
99 29 f. (6) The director of the legislative services agency,
99 30 or the director's designee. The director under this ~~paragraph~~
99 31 subparagraph shall not participate as a voting member of the
99 32 board.
99 33 b. A public member appointed pursuant to paragraph "d"
99 34 "a", subparagraph (4), shall not have a conflict of interest.
99 35 For purposes of this section a "conflict of interest" means an



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

100 1 affiliation, within the twelve months before the member's
100 2 appointment, with the regulated tank community, or with a
100 3 person or property and casualty insurer offering competitive
100 4 insurance or other means of financial assurance or which
100 5 previously offered environmental hazard insurance for a member
100 6 of the regulated tank community.

100 7 c. The filling of positions reserved for public
100 8 representatives, vacancies, membership terms, payment of
100 9 compensation and expenses, and removal of members are governed
100 10 by chapter 69. Members of the board are entitled to receive
100 11 reimbursement of actual expenses incurred in the discharge of
100 12 their duties within the limits of funds appropriated to the
100 13 board or made available to the fund. Each member of the board
100 14 may also be eligible to receive compensation as provided in
100 15 section 7E.6. The members shall elect a voting chairperson of
100 16 the board from among the members of the board.

100 17 3. RULES AND EMERGENCY RULES.

100 18 a. The board shall adopt rules regarding its practice and
100 19 procedures, develop underwriting standards, establish
100 20 procedures for investigating and settling claims made against
100 21 the fund, and otherwise implement and administer this chapter.

100 22 ~~b. The board may adopt administrative rules under section~~
100 23 ~~17A.4, subsection 2, and section 17A.5, subsection 2,~~
100 24 ~~paragraph "b", to implement this subsection for one year after~~
100 25 ~~May 5, 1989.~~

100 26 ~~e. b.~~ Rules necessary for the implementation and
100 27 collection of the environmental protection charge shall be
100 28 adopted ~~on or before June 1, 1989.~~

100 29 ~~d.~~ c. Rules to facilitate and encourage the use of
100 30 community remediation whenever possible shall be adopted.

100 31 ~~e.~~ d. The board shall adopt rules relating to appeal
100 32 procedures which shall require the administrator to deliver
100 33 notice of appeal to the affected parties within fifteen days
100 34 of receipt of notice, require that the hearing be held within
100 35 one hundred eighty days of the filing of the petition unless



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

101 1 good cause is shown for the delay, and require that a final
101 2 decision be issued no later than one hundred twenty days
101 3 following the close of the hearing. The time restrictions in
101 4 this paragraph may be waived by mutual agreement of the
101 5 parties.

101 6 Sec. 116. Section 474.1, Code 2007, is amended to read as
101 7 follows:

101 8 474.1 CREATION OF DIVISION AND BOARD == ORGANIZATION.

101 9 1. A utilities division is created within the department
101 10 of commerce. The policymaking body for the division is the
101 11 utilities board which is created within the division. The
101 12 board is composed of three members appointed by the governor
101 13 and subject to confirmation by the senate, not more than two
101 14 of whom shall be from the same political party. Each member
101 15 appointed shall serve for six-year staggered terms beginning
101 16 and ending as provided by section 69.19. Vacancies shall be
101 17 filled for the unexpired portion of the term in the same
101 18 manner as full-term appointments are made.

101 19 2. The utilities board shall organize by appointing an
101 20 executive secretary, who shall take the same oath as the
101 21 members. The board shall set the salary of the executive
101 22 secretary within the limits of the pay plan for exempt
101 23 positions provided for in section 8A.413, subsection ~~2~~ 3,
101 24 unless otherwise provided by the general assembly. The board
101 25 may employ additional personnel as it finds necessary.
101 26 Subject to confirmation by the senate, the governor shall
101 27 appoint a member as the chairperson of the board. The
101 28 chairperson shall be the administrator of the utilities
101 29 division. The appointment as chairperson shall be for a
101 30 two-year term which begins and ends as provided in section
101 31 69.19.

101 32 3. As used in this chapter and chapters 475A, 476, 476A,
101 33 478, 479, 479A, and 479B, "division" and "utilities division"
101 34 mean the utilities division of the department of commerce.

101 35 DIVISION IV



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

102 1 EFFECTIVE DATE == RETROACTIVE APPLICABILITY
102 2 Sec. 117. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.
102 3 The section of this Act amending section 490.624, subsection
102 4 2, being deemed of immediate importance, takes effect upon
102 5 enactment and applies retroactively to July 1, 1989.
102 6 EXPLANATION
102 7 This bill contains statutory corrections that adjust
102 8 language to reflect current practices, insert earlier
102 9 omissions, delete redundancies and inaccuracies, delete
102 10 temporary language, resolve inconsistencies and conflicts,
102 11 update ongoing provisions, or remove ambiguities. The Code
102 12 sections amended include the following:
102 13 DIVISION I == MISCELLANEOUS PROVISIONS. Code section 1C.2:
102 14 Removes language relating to paid vacation leave from the list
102 15 of paid state holidays and places it with other language
102 16 relating to annual paid leave. The entire Code section is
102 17 also renumbered and internal references are corrected.
102 18 Code section 2.40(1): Deletes a sentence relating to
102 19 legislator participation in state health care plans from the
102 20 second unnumbered paragraph of this subsection, that conflicts
102 21 with language in the first unnumbered paragraph and paragraphs
102 22 "a" through "c". The entire subsection is also organized by
102 23 dividing the second unnumbered paragraph into its respective
102 24 concepts and moving a sentence relating to a former
102 25 legislator's ability to participate in state health care plans
102 26 from the end of the paragraph to be with language relating to
102 27 how former legislators may continue their health care coverage
102 28 under state group health care plans. The conflict in the
102 29 sentence that is deleted in the bill was created when the
102 30 sentence was amended by 1989 Iowa Acts, ch. 303, section 14,
102 31 to eliminate portions of the sentence that show that the
102 32 sentence was originally designed as a transitional provision
102 33 for legislative participation in state group health care
102 34 plans.
102 35 Code section 2C.16: Reorganizes this provision relating to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

103 1 the stating of recommendations by the citizens' aide to an
103 2 agency by moving a sentence fragment from the end of the first
103 3 sentence in paragraph "e" to the prefatory language at the
103 4 beginning of the Code section. The Code section is also
103 5 renumbered to eliminate unnumbered paragraphs from the Code
103 6 section.

103 7 Code section 3.1: Conforms language in an existing
103 8 subsection to qualifying lead-in language in the Code section
103 9 and renumbers the entire provision to eliminate unnumbered
103 10 paragraphs.

103 11 Code section 3.3: Corrects drafting errors made in 2007
103 12 legislation updating the section. This bill strikes a comma
103 13 preceding an essential clause and inserts "not" to conform to
103 14 the intent of the Code section as previously enacted.

103 15 Code section 4.13: Updates and reorganizes this general
103 16 statutory savings clause provision by correcting spelling,
103 17 updating use of terminology, and renumbering the provision to
103 18 eliminate unnumbered paragraphs.

103 19 Code section 7E.5: Adds language relating to services
103 20 provided by the department of human rights to Iowans of Asian
103 21 and Pacific Islander heritage to this provision to conform the
103 22 provision to changes made to Code chapter 216A by 2004 Iowa
103 23 Acts, ch. 1020.

103 24 Code sections 8A.101(1) and 8F.2(1): Strikes a reference
103 25 to "examining or licensing board" in a provision defining
103 26 agency or state agency as certain entities defined in Code
103 27 section 7E.4. The provision includes "board" as one of such
103 28 entities. Although "board" is defined in Code section 7E.4 to
103 29 include professional licensing boards, "examining or licensing
103 30 board" is not a defined term in that Code section.

103 31 Code section 9D.2(5) and 9D.3: Renumbers the second
103 32 unnumbered paragraph in subsection 5 of current Code section
103 33 9D.2 as new subsection 6 and changes terminology used in both
103 34 Code sections 9D.2 and 9D.3 to refer to the application for
103 35 registration filed by a travel agency to conform to other



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

104 1 terminology in this provision relating to registration of
104 2 travel agencies doing business in Iowa.
104 3 Code section 13A.3: Eliminates obsolete language relating
104 4 to the staggering of the terms of members of the prosecuting
104 5 attorneys training council in this provision establishing the
104 6 council and numbers the provision to eliminate unnumbered
104 7 paragraphs.
104 8 Code sections 15.221 through 15.225 (repealed at end of
104 9 division of bill): Repeals provisions establishing and
104 10 regulating the Iowa Lewis and Clark bicentennial commission
104 11 and fund. Code section 15.225 provided for dissolution of the
104 12 commission by December 31, 2007, and all expenses of the
104 13 commission have been paid.
104 14 Code section 15.421(2) and (3): Clarifies that the
104 15 generation Iowa commission shall include, rather than consist
104 16 of, 15 voting members, in addition to four legislative
104 17 nonvoting, ex officio members. The bill also makes
104 18 corresponding changes clarifying that certain age requirement
104 19 and appointment provisions apply only to voting members.
104 20 Code section 15E.17(4): Deletes language relating to the
104 21 former savings and loan division of the department of
104 22 commerce. That division was eliminated and its authority
104 23 transferred to the banking division of the department of
104 24 commerce in 2007 Iowa Acts, ch. 88.
104 25 Code section 15G.111(2): Deletes language relating to
104 26 submission of a report by the legislative services agency by
104 27 September 30, 2007, from this provision relating to allocation
104 28 of funds from the grow Iowa values fund to state board of
104 29 regents higher education institutions.
104 30 Code section 16.3(11): Strikes this subsection, which is
104 31 identical to current subsection 19, from this Code section
104 32 containing legislative findings regarding establishment of the
104 33 Iowa finance authority, the title guarantee division, and the
104 34 Iowa economic development bond bank program.
104 35 Code section 16.5(1): Substitutes the word "authority" for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

105 1 the word "board" to conform usage to other language within the
105 2 paragraph and corrects the grammar in another paragraph in
105 3 this provision relating to the duties of the Iowa finance
105 4 authority.

105 5 Code sections 24.20, 434.16, and 633.113: Strikes the
105 6 words "the preceding sections" and inserts specific numeric
105 7 references to the Code sections which precede these Code
105 8 sections.

105 9 Code section 26.13: Substantially reorganizes this
105 10 provision relating to public improvement contracts by moving
105 11 all definitions contained in the Code section to the beginning
105 12 of the Code section, renumbering the entire Code section, and
105 13 correcting internal references as necessary.

105 14 Code section 35A.5(10): Changes the word "state" to the
105 15 word "department" and divides out and designates separate
105 16 activities within a provision relating to the department of
105 17 veterans affairs duty to establish and operate a veterans
105 18 cemetery.

105 19 Code section 35A.8(5)(a): Changes the word "commission" to
105 20 "department" to conform to changes made by 2007 Iowa Acts, ch.
105 21 6, in this Code section and other sections of the Code.

105 22 Code section 46.16(1): Strikes language outlining the
105 23 procedure by which the staggering of the initial terms of the
105 24 judges appointed to serve on the Iowa court of appeals was
105 25 accomplished when that court was first established in 1976.

105 26 Code section 68A.503(2)(a): Adds the words "credit union"
105 27 to a list of types of entities from which candidate's
105 28 committees and candidates cannot solicit, request, or receive
105 29 anything of value for campaign expenses or to expressly
105 30 advocate that an elector vote to nominate, elect, or defeat a
105 31 candidate for public office. The addition conforms the
105 32 listing of entities to other usages of the same list of
105 33 entities elsewhere in the paragraph and Code section.

105 34 Code section 68B.4A: Strikes the words "official or" in
105 35 this provision relating to legislative employee sales of goods



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

106 1 or services but not sales of goods or services by officials.
106 2 Sales of goods or services of this nature by various state
106 3 officials are covered under Code sections 68B.3, 68B.4, and
106 4 68B.4B.
106 5 Code section 80B.11(1)(c): Strikes an obsolete date
106 6 relating by which all law enforcement officers were to have
106 7 completed a course on investigation and identification of
106 8 discriminatory public offenses.
106 9 Code section 86.2: Redesignates and conforms the use of
106 10 terminology within a Code section that provides for the
106 11 appointment of deputy commissioners by the workers'
106 12 compensation commissioner of the department of workforce
106 13 development. There are no assistant workers' compensation
106 14 commissioners in the department of workforce development, and
106 15 the persons who are appointed by the workforce compensation
106 16 commissioner are deputy commissioners.
106 17 Code section 87.1(1): Adds language to clarify and update
106 18 references to the Code chapters on employer liability for
106 19 workers' compensation.
106 20 Code section 87.22: Numbers provisions within this Code
106 21 section and divides existing language into two subsections to
106 22 distinguish between the procedure for corporate officer
106 23 exclusion from workers' compensation or employers' liability
106 24 coverage and the contents of the written rejection form.
106 25 Code section 89.7A(1): Reinserts language requiring
106 26 posting of certificates of inspection for boilers and unfired
106 27 steam pressure vessels which was inadvertently left out in
106 28 2007 legislation moving the language relating to issuance of
106 29 such certificates from Code section 89.3 to this Code section.
106 30 Code section 97B.49G(2)(b): Corrects an internal reference
106 31 to the types of increases in Iowa public employees' retirement
106 32 system benefits that were made available to contingent
106 33 annuitants and beneficiaries effective July 1, 1979.
106 34 Code section 100B.22(1)(b) and (2)(a): Conforms internal
106 35 references to the fire service training centers to each other



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

107 1 by striking the references to the subparagraphs. When the
107 2 Code section was enacted by 2006 Iowa Acts, ch. 1179, section
107 3 44, the references in subsection 1, paragraph "b", and
107 4 subsection 2, paragraph "a", and paragraph "a" of subsection
107 5 1, inadvertently failed to conform to each other although
107 6 subsection 1 contains a total of 11 subparagraphs in which all
107 7 of the fire service training centers are listed.

107 8 Code section 100C.10(4): Strikes an obsolete sentence
107 9 relating to the appointment of the initial members to the fire
107 10 extinguishing system contractors and alarm systems advisory
107 11 board.

107 12 Code section 103.6(2): Inserts "does any of the following"
107 13 to clarify that the electrical examining board may revoke,
107 14 suspend, or refuse to renew a license granted pursuant to Code
107 15 chapter 103 in any of the circumstances listed.

107 16 Code section 103.22(10): Clarifies language relating to
107 17 persons who are exempt from regulation as electricians or
107 18 electrical contractors under Code chapter 103.

107 19 Code section 103A.21: Deletes a redundant penalty
107 20 provision in subsection 2 of this provision relating to
107 21 violations of the state building code. Subsection 1 of this
107 22 Code section currently prohibits noncompliance with an order
107 23 of a local building department, knowing violations of
107 24 applicable provisions of the state building code, and knowing
107 25 violations of any order of a local building and provides that
107 26 violations are a simple misdemeanor.

107 27 Code section 135.20(2): Reorganizes provisions relating to
107 28 information required to be distributed to veterans regarding
107 29 hepatitis C to clarify the general applicability of a
107 30 provision governing the distribution of all such information.

107 31 Code section 147.88: Clarifies this provision describing
107 32 the authority of the department of inspections and appeals to
107 33 perform inspections for various health profession licensing
107 34 boards, by adding the words "inspections for" to the language
107 35 which describes limitations on that authority.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

108 1 Code section 172B.4(3): Rewrites, reorganizes, and
108 2 subdivides language relating to the process by which law
108 3 enforcement officers may give a receipt to a transporter of
108 4 livestock for a transportation certificate that the law
108 5 enforcement officer must submit to the officer's employing law
108 6 enforcement agency.

108 7 Code section 175.19: Corrects an error made when the
108 8 amendment to subsection 2 of this Code section by 1981 Iowa
108 9 Acts, ch. 68, section 5, was codified, by moving this
108 10 paragraph relating to enforcement of remedies by bondholders
108 11 or noteholders under an agricultural development program.

108 12 Code section 185.3(1): Updates, redesignates, and
108 13 clarifies the procedure by which directors are elected to the
108 14 Iowa soybean association board and at what point it is
108 15 determined which districts may elect two directors to the
108 16 board.

108 17 Code section 231D.5(2): Provides that the department may
108 18 deny certification for a new or newly acquired adult day
108 19 services program for an existing certificate holder on the
108 20 basis of the certificate holder's continuing or repeated
108 21 failure to operate in compliance with the Code chapter.
108 22 Currently, this provision is an incomplete sentence.

108 23 Code sections 256.11(5)(b) and 280.9A: Moves language
108 24 requiring county auditors to, upon request, provide schools
108 25 within the county with voting machines or sample ballots that
108 26 are generally used within the county, from the provision
108 27 establishing the accreditation standards for grades nine
108 28 through 12 in public and nonpublic schools, to the Code
108 29 section that establishes the standards for the provision of
108 30 history and government and voter registration instruction in
108 31 the schools in grades nine through 12.

108 32 Code section 261A.4(13): Redrafts and reorganizes language
108 33 that defines the term "loan funding deposit" in the Code
108 34 chapter establishing the higher education loan authority.

108 35 Code section 272.9A(1): Strikes language incorrectly



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

109 1 indicating that a beginning administrator mentoring and
109 2 induction program is provided by the department of education
109 3 pursuant to Code section 284A.5, subsection 2, in a provision
109 4 relating to administrator licensure. Beginning administrator
109 5 mentoring and induction programs are established by school
109 6 boards.
109 7 Code section 327B.6 (repealed at end of division of bill):
109 8 Repeals the Code section, requiring the filing of evidence of
109 9 insurance or surety bond by a carrier prior to registration,
109 10 pursuant to its own terms. The Code section is repealed on
109 11 the transition termination date referred to in Code section
109 12 327B.1, subsection 2, paragraph "b", which was reported by the
109 13 state department of transportation as January 1, 2007.
109 14 Code section 341A.12: Corrects a drafting error in
109 15 language describing an appellant's rights on appeal to the
109 16 civil service commission, by changing the words "appeal
109 17 personally" to "appear in person".
109 18 Code sections 357A.11(11) and 357A.25: Moves language
109 19 relating to construction of the Code chapter providing for the
109 20 establishment of rural water districts and the Code chapter
109 21 pertaining to city finance as they relate to the use of real
109 22 property of a rural water subscriber as security for debts of
109 23 a rural water district from subsection 13 of Code section
109 24 357A.11 into a separate new Code section 357A.25 and letters
109 25 the provisions remaining in that subsection 13 which describe
109 26 the process for dissolution of a rural water district.
109 27 Code sections 422.11T and 422.11U: Strikes references to
109 28 the credit in Code section 422.12B due to 2007 legislation
109 29 making the earned income tax credit in Code section 422.12B
109 30 refundable.
109 31 Code sections 455B.131 and 484B.4: Strikes the word
109 32 "copartnership" from both of these provisions. The term
109 33 "copartnership" is synonymous with the more common term
109 34 "partnership", which is a "person" under Code section 484B.4,
109 35 pursuant to the definition of that term in Code section 4.1.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

110 1 The term "partnership" is also contained in and remains in
110 2 Code section 455B.131 after the strike of the term
110 3 "copartnership".
110 4 Code section 462A.2(22): Strikes the word "period" from
110 5 this provision to clarify the characteristics used to
110 6 determine whether a body of water is considered to be a
110 7 navigable water.
110 8 Code sections 490.624(2): Substitutes the date "July 1,
110 9 1989" for the words "the effective date of this section".
110 10 Although the words "the effective date of this section" were
110 11 added in 2007, the Code section itself was effective on July
110 12 1, 1989, and the rights, options, or warrants of business
110 13 corporations which are referred to are those that would have
110 14 been affected by the enactment of this Code section in 1989.
110 15 This amendment is effective upon enactment and applies
110 16 retroactively to July 1, 1989 (see division IV of bill).
110 17 Code section 524.212: Adds a reference to Code section
110 18 524.215, subsection 2, new paragraph "f", in a provision
110 19 prohibiting the disclosure of certain banking regulatory
110 20 information except pursuant to court order and then only in
110 21 those instances referred to in Code section 524.215,
110 22 subsection 2, paragraphs "a", "b", "c", and "e". The
110 23 circumstances described in new paragraph "f" are similar to
110 24 those referenced in the other paragraphs.
110 25 Code section 533.214: Reorganizes the provision relating
110 26 to the purposes of central credit unions and clarifies that
110 27 the "other credit unions" whose members the central credit
110 28 unions are serving are "existing credit unions".
110 29 Code section 537A.4: Conforms the exception stated in this
110 30 provision to the prohibition against gambling to the current
110 31 language of and the changes made to Code chapter 99F by 2007
110 32 Iowa Acts, ch. 188.
110 33 Code sections 542.4(1) and 542.5(8): Strikes transitional
110 34 provisions relating to the membership of the Iowa accountancy
110 35 examining board, the terms of which lapsed by 2005, and the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 707 continued

111 1 examination requirements for certification as a certified
111 2 public accountant, the terms of which lapsed in 2003.
111 3 Code section 554.2505(2): Substitutes a numeric reference
111 4 to Code section 554.2504 for a reference to the "preceding
111 5 section" in a provision relating to shipments of goods by
111 6 sellers with a reservation of a security interest in those
111 7 goods.
111 8 Code section 564.3: Updates obsolete language relating to
111 9 when one private property owner may acquire a pedestrian
111 10 right-of-way or easement by prescription or adverse use from
111 11 another private property owner.
111 12 Code section 600A.2(6) and (8): Moves language listing the
111 13 rights and duties of guardians and custodians from the
111 14 definitions of those terms in subsections 6 and 8 of this Code
111 15 section to separate new Code sections 600A.2A and 600A.2B and
111 16 substitutes a reference to the new Code sections in place of
111 17 the language that was moved.
111 18 Code section 615.1: Rewrites this provision prohibiting
111 19 execution on judgments entered in actions for foreclosure of
111 20 real estate mortgages, deeds of trust, or real estate
111 21 contracts upon certain agricultural and residential property
111 22 and prohibiting execution on judgments entered in actions on a
111 23 claim for rent after the expiration of a two-year period from
111 24 the date of entry of judgment.
111 25 Code section 622.10(6): Corrects a codification error made
111 26 in 1988 in language relating to the method by which qualified
111 27 school guidance counselor are licensed and the entity which is
111 28 responsible for licensing those individuals. The original
111 29 reference should have been to Code section 256.11, subsection
111 30 9A, which was enacted by 1988 Iowa Acts, ch. 1262, section 2,
111 31 as a new subsection 10, but codified at subsection 9A in 1989.
111 32 The mistake resulted when an intervening amendment from 1988
111 33 Iowa Acts, ch. 1134, section 107, was applied and mistaken as
111 34 being identical to the amendment from chapter 1262, section 2.
111 35 Code section 715A.2A(2): Substitutes the proper United



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 707 continued

112 1 States Code citation relating to documents giving evidence of
112 2 United States citizenship in a provision providing an
112 3 affirmative defense to the accommodation of forgery if an
112 4 employer shows that it has complied in good faith with the
112 5 federal provisions.
112 6 DIVISION II == VOLUME I RENUMBERING. Code sections in this
112 7 division are amended by substantially reorganizing and
112 8 redesignating the provisions to eliminate the presence of
112 9 unnumbered paragraphs within the Code sections and to place
112 10 like provisions together to facilitate use and readability of
112 11 these provisions. Although no concepts and very few words are
112 12 eliminated in any of the provisions, some of the language is
112 13 rewritten slightly in language that is moved to conform that
112 14 language to the syntax of its new location.
112 15 The Code sections affected include Code sections 2.14;
112 16 2.32; 8.3A; 8A.204; 8A.324; 8A.413; 8D.3; 15.331A; 17A.4;
112 17 17A.4A; 20.5; 24.26; 68A.102; 68B.32A; 73A.21; 80.34 (repealed
112 18 at end of division of bill); 80.9; 80.9A; 80.9B; 80B.6; 85.61;
112 19 88.8; 96.3; 100B.1; and 103A.21.
112 20 DIVISION III == CONFORMING AMENDMENTS. Internal references
112 21 to these amended provisions are corrected in Code sections
112 22 7J.1; 8D.13; 17A.8; 19B.12; 80B.13; 87.1; 87.23; 100B.22;
112 23 141A.9; 147.102; 147.103A; 152.2; 231.22; 249A.20A; 252I.1;
112 24 313.4; 321.20B; 321A.33; 421.17A; 455G.4; and 474.1.
112 25 LSB 5698HC 82
112 26 lh/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to nonsubstantive Code corrections and including
- 2 effective and retroactive applicability date provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5697HC 82
- 5 lh/rj/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

PAG LIN

1 1 DIVISION I
 1 2 MISCELLANEOUS CORRECTIONS
 1 3 Section 1. Section 2.28, Code 2007, is amended to read as
 1 4 follows:
 1 5 2.28 TELLERS.
 1 6 1. After the time for the meeting of the joint convention
 1 7 has been designated each house shall appoint three tellers,
 1 8 and the six shall act as judges of the election.
 1 9 2. Canvassing the votes for governor and lieutenant
 1 10 governor shall be conducted substantially according to the
 1 11 provisions of sections 2.25 ~~to 2.28~~ through 2.27 and this
 1 12 section.
 1 13 Sec. 2. Section 7K.1, subsection 2, paragraph i, Code
 1 14 2007, is amended to read as follows:
 1 15 i. Identify ways to reduce the achievement gap between
 1 16 white and ~~non-white~~ nonwhite, non-Asian students.
 1 17 Sec. 3. Section 12C.16, subsection 1, paragraph b, Code
 1 18 Supplement 2007, is amended to read as follows:
 1 19 b. (1) The credit union may deposit, maintain, pledge and
 1 20 assign for the benefit of the public officer in the manner
 1 21 provided in this chapter, securities approved by the public
 1 22 officer, the market value of which is not less than one
 1 23 hundred ten percent of the total deposits of public funds
 1 24 placed by that public officer in the credit union. The
 1 25 securities shall consist of any of the following:
 1 26 ~~(1)~~ (a) Direct obligations of, or obligations that are
 1 27 insured or fully guaranteed as to principal and interest by,
 1 28 the United States of America or an agency or instrumentality
 1 29 of the United States of America.
 1 30 ~~(2)~~ (b) Public bonds or obligations of this state or a
 1 31 political subdivision of this state.
 1 32 ~~(3)~~ (c) Public bonds or obligations of another state or a
 1 33 political subdivision of another state whose bonds are rated
 1 34 within the two highest classifications of prime as established
 1 35 by at least one of the standard rating services approved by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

2 1 the superintendent of banking pursuant to chapter 17A.
2 2 ~~(4)~~ (d) To the extent of the guarantee, loans,
2 3 obligations, or nontransferable letters of credit upon which
2 4 the payment of principal and interest is fully secured or
2 5 guaranteed by the United States of America or an agency or
2 6 instrumentality of the United States of America or the United
2 7 States central credit union, a corporate central credit union
2 8 organized under section 533.213, or a corporate credit union
2 9 organized under 12 C.F.R. } 704, and the rating of any one of
2 10 such credit unions remains within the two highest
2 11 classifications of prime established by at least one of the
2 12 standard rating services approved by the superintendent of
2 13 banking by rule pursuant to chapter 17A. The treasurer of
2 14 state shall adopt rules pursuant to chapter 17A to implement
2 15 this section.
2 16 ~~(5)~~ (e) First lien mortgages which are valued according
2 17 to practices acceptable to the treasurer of state.
2 18 ~~(6)~~ (f) Investments in an open-end management investment
2 19 company registered with the federal securities and exchange
2 20 commission under the federal Investment Company Act of 1940,
2 21 15 U.S.C. } ~~80(a)~~ 80a, which is operated in accordance with 17
2 22 C.F.R. } 270.2a=7.
2 23 (2) Direct obligations of, or obligations that are insured
2 24 or fully guaranteed as to principal and interest by, the
2 25 United States of America, which may be used to secure the
2 26 deposit of public funds under subparagraph (1), subparagraph
2 27 subdivision (a), include investments in an investment company
2 28 or investment trust registered under the federal Investment
2 29 Company Act of 1940, 15 U.S.C. } 80a, the portfolio of which
2 30 is limited to the United States government obligations
2 31 described in subparagraph (1), subparagraph subdivision (a),
2 32 and to repurchase agreements fully collateralized by the
2 33 United States government obligations described in subparagraph
2 34 (1), subparagraph subdivision (a), if the investment company
2 35 or investment trust takes delivery of the collateral either



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

3 1 directly or through an authorized custodian.

3 2 Sec. 4. Section 15.393, subsection 1, unnumbered paragraph
3 3 1, Code Supplement 2007, is amended to read as follows:

3 4 The department shall establish and administer a film,
3 5 television, and video project promotion program that provides
3 6 for the registration of projects to be shot on location in the
3 7 state. A project that is registered under the program is
3 8 entitled to the assistance provided in subsection 2. A fee
3 9 shall not be charged for registering. The department shall
3 10 not register a project unless the department determines that
3 11 all of the following criteria are met:

3 12 Sec. 5. Section 15.393, subsection 2, paragraph a,
3 13 subparagraph (2), Code Supplement 2007, is amended to read as
3 14 follows:

3 15 (2) A qualified expenditure by a taxpayer is a payment to
3 16 an Iowa resident or an Iowa-based business for the sale,
3 17 rental, or furnishing of tangible personal property or for
3 18 services directly related to the registered project including
3 19 but not limited to aircraft, vehicles, equipment, materials,
3 20 supplies, accounting, animals and animal care, artistic and
3 21 design services, graphics, construction, data and information
3 22 services, delivery and pickup services, ~~graphics~~, labor and
3 23 personnel, lighting, makeup and hairdressing, film, music,
3 24 photography, sound, video and related services, printing,
3 25 research, site fees and rental, travel related to Iowa distant
3 26 locations, trash removal and cleanup, and wardrobe. For the
3 27 purposes of this subparagraph, "labor and personnel" does not
3 28 include the director, producers, or cast members other than
3 29 extras and stand-ins. The department of revenue, in
3 30 consultation with the department of economic development,
3 31 shall by rule establish a list of eligible expenditures.

3 32 Sec. 6. Section 16.181, subsection 1, paragraph b,
3 33 subparagraph (1), Code Supplement 2007, is amended to read as
3 34 follows:

3 35 (1) Any assets received by the authority from the former



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

4 1 Iowa housing corporation.

4 2 Sec. 7. Section 35.9, subsection 1, paragraph a, Code
4 3 2007, is amended to read as follows:

4 4 a. The department may expend not more than six hundred
4 5 dollars per year for any one child who has lived in the state
4 6 of Iowa for two years preceding application for state
4 7 educational assistance, and who is the child of a person who
4 8 died prior to September 11, 2001, during active federal
4 9 military service while serving in the armed forces or during
4 10 active federal military service in the Iowa national guard or
4 11 other military component of the United States, to defray the
4 12 expenses of tuition, matriculation, laboratory and similar
4 13 fees, books and supplies, board, lodging, and any other
4 14 reasonably necessary expense for the child or children
4 15 incident to attendance in this state at an educational or
4 16 training institution of college grade, or in a business or
4 17 vocational training school with standards approved by the
4 18 department ~~of veterans affairs~~.

4 19 Sec. 8. Section 42.4, subsection 8, paragraph b,
4 20 subparagraph (2), Code Supplement 2007, is amended to read as
4 21 follows:

4 22 (2) Each holdover senatorial district to which
4 23 subparagraph (1) is not applicable shall elect a senator in
4 24 the year ending in two for a two-year term commencing in
4 25 January of the year ending in three. However, if more than
4 26 one incumbent state senator is residing in a holdover
4 27 senatorial district on the first Wednesday in February of the
4 28 year ending in two, and, on or before the first Wednesday in
4 29 February of the year ending in two, all but one of the
4 30 incumbent senators resigns from office effective no later than
4 31 January of the year ending in three, the remaining incumbent
4 32 senator shall represent the district in the senate for the
4 33 general assembly commencing in January of the year ending in
4 34 three. A copy of ~~the~~ each resignation must be filed in the
4 35 office of the secretary of state no later than five p.m. on



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

6 1 appointed by the majority leader of the senate in consultation
6 2 with the minority leader and five members of the house of
6 3 representatives appointed by the speaker of the house in
6 4 consultation with the minority leader. ~~The committee shall~~
~~6 5 elect a chairperson and vice chairperson. Meetings may be~~
~~6 6 called by the chairperson or a majority of the members.~~

6 7 b. Members shall be appointed prior to January 31 of the
6 8 first regular session of each general assembly and shall serve
6 9 for terms ending upon the convening of the following general
6 10 assembly or when their successors are appointed, whichever is
6 11 later. A vacancy shall be filled in the same manner as the
6 12 original appointment and shall be for the remainder of the
6 13 unexpired term of the vacancy.

6 14 c. The committee shall elect a chairperson and vice
6 15 chairperson. Meetings may be called by the chairperson or a
6 16 majority of the members.

6 17 Sec. 13. Section 97D.4, subsection 4, Code 2007, is
6 18 amended to read as follows:

6 19 4. The committee may ~~contract~~:

6 20 a. Contract for actuarial assistance deemed necessary, and
6 21 the costs of actuarial studies are payable from funds
6 22 appropriated in section 2.12, subject to the approval of the
6 23 legislative council. ~~The committee may administer~~

6 24 b. Administer oaths, issue subpoenas, and cite for
6 25 contempt with the approval of the general assembly when the
6 26 general assembly is in session and with the approval of the
6 27 legislative council when the general assembly is not in
6 28 session.

6 29 5. Administrative assistance shall be provided by the
6 30 legislative services agency.

6 31 Sec. 14. Section 99B.10B, subsection 3, paragraph b,
6 32 subparagraph (1), Code Supplement 2007, is amended to read as
6 33 follows:

6 34 (1) If a written request for a hearing is not received
6 35 within thirty days after the mailing or service of the notice,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

7 1 the denial, suspension, or revocation of a ~~registrant~~
7 2 registration shall become effective pending a final
7 3 determination by the department. The proposed action in the
7 4 notice may be affirmed, modified, or set aside by the
7 5 department in a written decision.

7 6 Sec. 15. Section 99F.12, subsection 2, Code Supplement
7 7 2007, is amended to read as follows:

7 8 2. The licensee shall furnish to the commission reports
7 9 and information as the commission may require with respect to
7 10 ~~its~~ the licensee's activities. The gross receipts and
7 11 adjusted gross receipts from gambling shall be separately
7 12 handled and accounted for from all other moneys received from
7 13 operation of an excursion gambling boat or from operation of a
7 14 racetrack enclosure or gambling structure licensed to conduct
7 15 gambling games. The commission may designate a representative
7 16 to board a licensed excursion gambling boat or to enter a
7 17 racetrack enclosure or gambling structure licensed to conduct
7 18 gambling games, ~~who~~. The representative shall have full
7 19 access to all places within the enclosure of the boat, the
7 20 gambling structure, or the racetrack enclosure, ~~who~~ and shall
7 21 directly supervise the handling and accounting of all gross
7 22 receipts and adjusted gross receipts from gambling, ~~and who~~.
7 23 The representative shall supervise and check the admissions.

7 24 The compensation of a representative shall be fixed by the
7 25 commission but shall be paid by the licensee.

7 26 Sec. 16. Section 99G.30A, subsection 2, paragraph b, Code
7 27 2007, is amended to read as follows:

7 28 b. All powers and requirements of the director to
7 29 administer the state sales and use tax law are applicable to
7 30 the administration of the monitor vending machine excise tax,
7 31 including but not limited to the provisions of section 422.25,
7 32 subsection 4, sections 422.30, 422.67, and 422.68, section
7 33 422.69, subsection 1, sections 422.70 ~~to~~ through 422.75,
7 34 section 423.14, subsection 1 and subsection 2, paragraphs "b"
7 35 through "e", and sections 423.15, 423.23, 423.24, 423.25,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

8 1 423.31 ~~to~~ through 423.35, 423.37 ~~to~~ through 423.42, 423.46,
8 2 and 423.47.
8 3 Sec. 17. Section 100.18, subsection 3, Code 2007, is
8 4 amended to read as follows:
8 5 3. This section does not require the following:
8 6 a. The installation of smoke detectors in multiple-unit
8 7 residential buildings which, on July 1, 1981, are equipped
8 8 with heat detection devices or a sprinkler system with alarms
8 9 approved by the state fire marshal.
8 10 ~~b. This section does not require the~~ The installation of
8 11 smoke detectors in hotels, motels, and dormitories equipped
8 12 with an automatic smoke detection system approved by the state
8 13 fire marshal.
8 14 Sec. 18. Section 101B.4, subsection 1, paragraph b, Code
8 15 Supplement 2007, is amended to read as follows:
8 16 b. The department may adopt a subsequent ASTM
8 17 international standard test method for measuring the ignition
8 18 strength of cigarettes upon a finding that the subsequent
8 19 method does not result in a change in the percentage of
8 20 full-length burns exhibited by any tested cigarette when
8 21 compared to the percentage of full-length burns the same
8 22 cigarette would exhibit when tested in accordance with ASTM
8 23 international standard E2187=04 and the performance standard
8 24 in this section.
8 25 Sec. 19. Section 103.1, subsection 8, Code Supplement
8 26 2007, is amended to read as follows:
8 27 8. "Electrical contractor" means a person affiliated with
8 28 an electrical contracting firm or business who is licensed by
8 29 the board as either a class A or class B master electrician
8 30 and who is also registered with the state of Iowa as a
8 31 contractor pursuant to chapter 91C.
8 32 Sec. 20. Section 103.6, Code Supplement 2007, is amended
8 33 to read as follows:
8 34 103.6 POWERS AND DUTIES.
8 35 1. The board shall:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

9 1 ~~1.~~ a. Adopt rules pursuant to chapter 17A and in doing so
9 2 shall be governed by the minimum standards set forth in the
9 3 most current publication of the national electrical code
9 4 issued and adopted by the national fire protection
9 5 association, and amendments to the code, which code and
9 6 amendments shall be filed in the offices of the secretary of
9 7 state and the board and shall be a public record. The board
9 8 shall adopt rules reflecting updates to the code and
9 9 amendments to the code. The board shall promulgate and adopt
9 10 rules establishing wiring standards that protect public safety
9 11 and health and property and that apply to all electrical
9 12 wiring which is installed subject to this chapter.

9 13 ~~2.~~ b. Revoke, suspend, or refuse to renew any license
9 14 granted pursuant to this chapter when the licensee:
9 15 a. (1) Fails or refuses to pay any examination, license,
9 16 or renewal fee required by law.
9 17 b. (2) Is an electrical contractor and fails or refuses
9 18 to provide and keep in force a public liability insurance
9 19 policy and surety bond as required by the board.
9 20 c. (3) Violates any political subdivision's inspection
9 21 ordinances.

~~9 22 The board may, in its discretion, revoke, suspend, or~~
~~9 23 refuse to renew any license granted pursuant to this chapter~~
~~9 24 when the licensee violates any provision of the national~~
~~9 25 electrical code as adopted pursuant to subsection 1, this~~
~~9 26 chapter, or any rule adopted pursuant to this chapter.~~

9 27 ~~3.~~ c. Adopt rules for continuing education requirements
9 28 for each classification of licensure established pursuant to
9 29 this chapter, and adopt all rules, not inconsistent with the
9 30 law, necessary for the proper performance of the duties of the
9 31 board.

9 32 ~~4.~~ d. Provide for the amount and collection of fees for
9 33 inspection and other services.

9 34 2. The board may, in its discretion, revoke, suspend, or
9 35 refuse to renew any license granted pursuant to this chapter



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

10 1 when the licensee violates any provision of the national
10 2 electrical code as adopted pursuant to subsection 1, this
10 3 chapter, or any rule adopted pursuant to this chapter.

10 4 Sec. 21. Section 103.9, subsection 1, Code Supplement
10 5 2007, is amended to read as follows:

10 6 1. An applicant for an electrical contractor license shall
10 7 either be or employ a licensed class A or class B master
10 8 electrician, and be registered with the state of Iowa as a
10 9 contractor pursuant to chapter 91C.

10 10 Sec. 22. Section 103.22, subsections 1 and 3, Code
10 11 Supplement 2007, are amended to read as follows:

10 12 1. Apply to a person licensed as an engineer pursuant to
10 13 chapter 542B, registered as an architect pursuant to chapter
10 14 544A, licensed as a landscape architect pursuant to chapter
10 15 544B, or designated as lighting certified by the national
10 16 council on qualifications for the lighting professions who is
10 17 providing consultations and developing plans concerning
10 18 electrical installations and who is exclusively engaged in the
10 19 practice of the person's profession.

10 20 3. Require any person doing work for which a license would
10 21 otherwise be required under this chapter to hold a license
10 22 issued under this chapter if the person is the holder of a
10 23 valid license issued by any political subdivision, so long as
10 24 the person makes electrical installations only ~~in~~ within the
10 25 jurisdictional limits of such political subdivision and such
10 26 license issued by the political subdivision meets the
10 27 requirements of this chapter.

10 28 Sec. 23. Section 123A.2, subsection 9, Code Supplement
10 29 2007, is amended to read as follows:

10 30 9. "Good faith" means honesty in fact and the observance
10 31 of reasonable commercial standards of fair dealing in the
10 32 trade and defined and interpreted under section ~~554.2103~~
10 33 554.1201.

10 34 Sec. 24. Section 135N.5, subsection 1, Code Supplement
10 35 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

11 1 1. The committee shall meet no less than four times per
11 2 year and is subject to chapters ~~20 and 21~~ and 22 relating to
11 3 open meetings and public records.

11 4 Sec. 25. Section 141A.9, subsection 2, paragraph i, Code
11 5 Supplement 2007, is amended to read as follows:

11 6 i. Pursuant to section 915.43, to a convicted or alleged
11 7 sexual assault offender; the physician or other health care
11 8 provider who orders the test of a convicted or alleged
11 9 offender; the victim; the parent, guardian, or custodian of
11 10 the victim if the victim is a minor; the physician of the
11 11 victim if requested by the victim; the victim counselor or
11 12 person requested by the victim to provide counseling regarding
11 13 the HIV-related test and results; the victim's spouse; persons
11 14 with whom the victim has engaged in vaginal, anal, or oral
11 15 intercourse subsequent to the sexual assault; members of the
11 16 victim's family within the third degree of consanguinity; and
11 17 the county attorney who may use the results as evidence in the
11 18 prosecution of sexual assault under chapter 915, subchapter
11 19 IV, or prosecution of the offense of criminal transmission of
11 20 HIV under chapter 709C. For the purposes of this paragraph,
11 21 "victim" means victim as defined in section 915.40.

11 22 Sec. 26. Section 147.14, subsection 23, Code Supplement
11 23 2007, is amended to read as follows:

11 24 23. For nursing home administrators, a total of nine
11 25 members: Four licensed nursing home administrators, one of
11 26 whom is the administrator of a nonproprietary nursing home;
11 27 three licensed members of any profession concerned with the
11 28 care and treatment of chronically ill or elderly patients who
11 29 are not nursing home administrators or nursing home owners;
11 30 and two members of the general public who are not licensed
11 31 under this chapter ~~147~~, have no financial interest in any
11 32 nursing home, and who shall represent the general public. A
11 33 majority of the members of the board constitutes a quorum.

11 34 Sec. 27. Section 147.37, Code Supplement 2007, is amended
11 35 to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

12 1 147.37 IDENTITY OF CANDIDATE CONCEALED.
12 2 All examinations ~~in~~ on theory shall be in writing, and the
12 3 identity of the person taking the ~~same~~ examination shall not
12 4 be disclosed upon the examination papers in such a way as to
12 5 enable the members of the board to know ~~by whom written~~ the
12 6 candidate's identity until after the papers have been passed
12 7 upon. In examinations ~~in~~ on practice the identity of the
12 8 candidate shall also be concealed as far as possible.
12 9 Sec. 28. Section 148.3, subsection 1, unnumbered paragraph
12 10 1, Code Supplement 2007, is amended to read as follows:
12 11 Present a diploma issued by a medical college approved by
12 12 the board, or present other evidence of equivalent medical
12 13 education approved by the board. The board may accept, in
12 14 lieu of a diploma from a medical college approved by ~~them~~ the
12 15 board, all of the following:
12 16 Sec. 29. Section 159.20, Code 2007, is amended to read as
12 17 follows:
12 18 159.20 POWERS OF DEPARTMENT.
12 19 1. The department shall perform duties designed to lead to
12 20 more advantageous marketing of Iowa agricultural commodities.
12 21 The department may do any of the following:
12 22 ~~1-~~ a. Investigate the marketing of agricultural
12 23 commodities.
12 24 ~~2-~~ b. Promote the sale, distribution, and merchandising
12 25 of agricultural commodities.
12 26 ~~3-~~ c. Furnish information and assistance concerning
12 27 agricultural commodities to the public.
12 28 ~~4-~~ d. Cooperate with the college of agriculture and life
12 29 sciences of the Iowa state university of science and
12 30 technology in encouraging agricultural marketing education and
12 31 research.
12 32 ~~5-~~ e. Accumulate and diffuse information concerning the
12 33 marketing of agricultural commodities in cooperation with
12 34 persons, agencies, or the federal government.
12 35 ~~6-~~ f. Investigate methods and practices related to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

13 1 processing, handling, grading, classifying, sorting, weighing,
13 2 packing, transportation, storage, inspection, or merchandising
13 3 of agricultural commodities within this state.

13 4 ~~7.~~ g. Ascertain sources of supply for Iowa agricultural
13 5 commodities. The department shall prepare and periodically
13 6 publish lists of names and addresses of producers and
13 7 consignors of agricultural commodities.

13 8 ~~8.~~ h. Perform inspection or grading of an agricultural
13 9 commodity if requested by a person engaged in the production,
13 10 marketing, or processing of the agricultural commodity.

13 11 However, the person must pay for the services as provided by
13 12 rules adopted by the department.

13 13 ~~9.~~ i. Cooperate with the Iowa department of economic
13 14 development to avoid duplication of efforts between the
13 15 department and the agricultural marketing program operated by
13 16 the Iowa department of economic development.

13 17 ~~10.~~ j. Assist the office of renewable fuels and
13 18 coproducts and the renewable fuels and coproducts advisory
13 19 committee in administering the provisions of chapter 159A.

13 20 2. As used in this subchapter, "agricultural commodity"
13 21 means any unprocessed agricultural product, including animals,
13 22 agricultural crops, and forestry products grown, raised,
13 23 produced, or fed in Iowa for sale in commercial channels.

13 24 "Commercial channels" means the processes of sale of an
13 25 agricultural commodity or unprocessed product from the
13 26 agricultural commodity to any person, public or private, who
13 27 resells the agricultural commodity for breeding, processing,
13 28 slaughter, or distribution.

13 29 Sec. 30. Section 175A.2, subsection 1, Code 2007, is
13 30 amended to read as follows:

13 31 1. A grape and wine development commission is established
13 32 within the department. The commission shall be composed of
13 33 the following persons:

13 34 a. The following persons, or their designees, who shall
13 35 serve as nonvoting, ex officio members:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

14 1 (1) The secretary of agriculture.
14 2 (2) The dean of the college of agriculture and life
14 3 sciences of Iowa state university of science and technology.
14 4 (3) The director of the department of economic
14 5 development.
14 6 (4) The director of the department of natural resources.
14 7 b. The following persons appointed by the secretary of
14 8 agriculture, who shall serve as voting members:
14 9 (1) Two growers.
14 10 (2) Two winemakers.
14 11 (3) One retail seller.
14 12 c. The secretary of agriculture shall appoint the voting
14 13 members based on a list of nominations submitted by
14 14 organizations representing growers, winemakers, and retail
14 15 sellers as certified by the department according to
14 16 requirements of the department. Appointments of voting
14 17 members are subject to the requirements of sections 69.16 and
14 18 69.16A. In addition, the appointments shall be geographically
14 19 balanced. Unless the secretary of agriculture determines that
14 20 it is not feasible, at least one person appointed as a voting
14 21 member shall reside in each of the state's congressional
14 22 districts at the time of appointment. The secretary of
14 23 agriculture's appointees shall be confirmed by the senate,
14 24 pursuant to section 2.32.
14 25 Sec. 31. Section 178.3, subsection 2, Code 2007, is
14 26 amended to read as follows:
14 27 2. The dean of the college of agriculture and life
14 28 sciences of the Iowa state university of science and
14 29 technology.
14 30 Sec. 32. Section 181.3, subsection 1, paragraph d, Code
14 31 2007, is amended to read as follows:
14 32 d. The dean of the college of agriculture and life
14 33 sciences of Iowa state university of science and technology or
14 34 a designee, who shall serve as a voting ex officio member.
14 35 Sec. 33. Section 182.5, Code 2007, is amended to read as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

15 1 follows:

15 2 182.5 COMPOSITION OF BOARD.

15 3 The Iowa sheep and wool promotion board established under
15 4 this chapter shall be composed of nine producers, one from
15 5 each district. The dean of the college of agriculture and
15 6 life sciences of Iowa state university of science and
15 7 technology or the dean's representative and the secretary or
15 8 the secretary's designee shall serve as ex officio nonvoting
15 9 members of the board. The board shall annually elect a
15 10 chairperson from its membership.

15 11 Sec. 34. Section 183A.2, Code 2007, is amended to read as
15 12 follows:

15 13 183A.2 IOWA PORK PRODUCERS COUNCIL.

15 14 The Iowa pork producers council is created. The council
15 15 consists of seven members, including two producers from each
15 16 of three districts of the state designated by the secretary,
15 17 and one producer from the state at large. The secretary shall
15 18 appoint these members. The Iowa pork producers association
15 19 may recommend the names of potential members, but the
15 20 secretary is not bound by the recommendations. The secretary,
15 21 the dean of the college of agriculture and life sciences of
15 22 Iowa state university of science and technology, and the state
15 23 veterinarian, or their designees, shall serve on the council
15 24 as nonvoting ex officio members.

15 25 Sec. 35. Section 185.3, subsection 2, paragraph b, Code
15 26 2007, is amended to read as follows:

15 27 b. The dean of the college of agriculture and life
15 28 sciences of Iowa state university of science and technology or
15 29 the dean's designee.

15 30 Sec. 36. Section 185C.10, subsection 2, Code 2007, is
15 31 amended to read as follows:

15 32 2. The dean of the college of agriculture and life
15 33 sciences of Iowa state university of science and technology or
15 34 the dean's designee.

15 35 Sec. 37. Section 214A.2B, Code Supplement 2007, is amended



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

16 1 to read as follows:

16 2 214A.2B LABORATORY FOR MOTOR FUEL AND BIOFUELS.

16 3 A laboratory for motor fuel and biofuels is established at
16 4 a merged area school which is engaged in biofuels testing on
16 5 July 1, 2007, and which testing includes but is not limited to
16 6 ~~B20~~ B=20 biodiesel testing for motor trucks and the ability of
16 7 biofuels to meet A.S.T.M. international standards. The
16 8 laboratory shall conduct testing of motor fuel sold in this
16 9 state and biofuel which is blended in motor fuel in this state
16 10 to ensure that the motor fuel or biofuels meet the
16 11 requirements in section 214A.2.

16 12 Sec. 38. Section 216.9, subsection 2, Code Supplement
16 13 2007, is amended to read as follows:

16 14 2. For the purpose of this section, "educational
16 15 institution" includes any preschool, elementary, or secondary
16 16 school, ~~or~~ community college, area education agency, or
16 17 postsecondary college or university and their governing
16 18 boards. This section does not prohibit an educational
16 19 institution from maintaining separate toilet facilities,
16 20 locker rooms, or living facilities for the different sexes so
16 21 long as comparable facilities are provided. Nothing in this
16 22 section shall be construed as prohibiting any bona fide
16 23 religious institution from imposing qualifications based on
16 24 religion, sexual orientation, or gender identity when such
16 25 qualifications are related to a bona fide religious purpose or
16 26 any institution from admitting students of only one sex.

16 27 Sec. 39. Section 231D.5, Code Supplement 2007, is amended
16 28 to read as follows:

16 29 231D.5 DENIAL, SUSPENSION, OR REVOCATION.

16 30 1. The department may deny, suspend, or revoke
16 31 certification if the department finds that there has been a
16 32 substantial or repeated failure on the part of the adult day
16 33 services program to comply with this chapter or the rules or
16 34 minimum standards adopted pursuant to this chapter, or for any
16 35 of the following reasons:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

17 1 a. Appropriation or conversion of the property of a
17 2 participant without the participant's written consent or the
17 3 written consent of the participant's legal representative.
17 4 b. Permitting, aiding, or abetting the commission of any
17 5 illegal act in the adult day services program.
17 6 c. Obtaining or attempting to obtain or retain
17 7 certification by fraudulent means, misrepresentation, or by
17 8 submitting false information.
17 9 d. Habitual intoxication or addiction to the use of drugs
17 10 by the applicant, owner, manager, or supervisor of the adult
17 11 day services program.
17 12 e. Securing the devise or bequest of the property of a
17 13 participant by undue influence.
17 14 f. Failure or neglect to maintain a required continuing
17 15 education and training program for all personnel employed in
17 16 the adult day services program.
17 17 g. Founded dependent adult abuse as defined in section
17 18 235B.2.
17 19 h. In the case of any officer, member of the board of
17 20 directors, trustee, or designated manager of the program or
17 21 any stockholder, partner, or individual who has greater than a
17 22 five percent equity interest in the program, having or having
17 23 had an ownership interest in an adult day services program,
17 24 assisted living program, elder group home, home health agency,
17 25 residential care facility, or licensed nursing facility in any
17 26 state which has been closed due to removal of program, agency,
17 27 or facility licensure or certification or involuntary
17 28 termination from participation in either the medical
17 29 assistance or Medicare programs, or having been found to have
17 30 failed to provide adequate protection or services for
17 31 participants to prevent abuse or neglect.
17 32 i. In the case of a certificate applicant or an existing
17 33 certified owner or operator who is an entity other than an
17 34 individual, the person is in a position of control or is an
17 35 officer of the entity and engages in any act or omission



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

18 1 proscribed by this chapter.

18 2 ~~j. For any other reason as provided by law or~~
~~18 3 administrative rule.~~

18 4 ~~2.~~ j. In the case of an application by an existing
18 5 certificate holder for a new or newly acquired adult day
18 6 services program, continuing or repeated failure of the
18 7 certificate holder to operate any previously certified adult
18 8 day services program in compliance with this chapter or of the
18 9 rules adopted pursuant to this chapter.

18 10 ~~k. For any other reason as provided by law or~~
~~18 11 administrative rule.~~

18 12 ~~3.~~ 2. In the case of a certificate applicant or existing
18 13 certificate holder which is an entity other than an
18 14 individual, the department may deny, suspend, or revoke a
18 15 certificate if any individual who is in a position of control
18 16 or is an officer of the entity engages in any act or omission
18 17 proscribed by this section.

18 18 Sec. 40. Section 234.7, subsection 1, Code 2007, is
18 19 amended to read as follows:

18 20 1. The department of human services shall comply with the
18 21 ~~following requirement~~ provision associated with child foster
18 22 care licensees under chapter 237+

18 23 ~~The department shall include that requires that a child's~~
18 24 foster parent be included in, and provide be provided timely
18 25 notice of, planning and review activities associated with the
18 26 child, including but not limited to permanency planning and
18 27 placement review meetings, which shall include discussion of
18 28 the child's rehabilitative treatment needs.

18 29 Sec. 41. Section 236.5, subsection 2, unnumbered paragraph
18 30 1, Code 2007, is amended to read as follows:

18 31 The court may grant a ~~protection~~ protective order or
18 32 approve a consent agreement which may contain but is not
18 33 limited to any of the following provisions:

18 34 Sec. 42. Section 236.5, subsection 2, unnumbered paragraph
18 35 2, Code 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

19 1 An order for counseling, a ~~protection~~ protective order, or
19 2 approved consent agreement shall be for a fixed period of time
19 3 not to exceed one year. The court may amend or extend its
19 4 order or a consent agreement at any time upon a petition filed
19 5 by either party and after notice and hearing. The court may
19 6 extend the order if the court, after hearing at which the
19 7 defendant has the opportunity to be heard, finds that the
19 8 defendant continues to pose a threat to the safety of the
19 9 victim, persons residing with the victim, or members of the
19 10 victim's immediate family. At the time of the extension, the
19 11 parties need not meet the requirement in section 236.2,
19 12 subsection 2, paragraph "d", that the parties lived together
19 13 during the last year if the parties met the requirements of
19 14 section 236.2, subsection 2, paragraph "d", at the time of the
19 15 original order. The number of extensions that can be granted
19 16 by the court is not limited.

19 17 Sec. 43. Section 249A.30A, Code Supplement 2007, is
19 18 amended to read as follows:

19 19 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE.

19 20 The personal needs allowance under the medical assistance
19 21 program, which may be retained by a person who is a resident
19 22 of a nursing facility, an intermediate care facility for
19 23 persons with mental retardation, or an intermediate care
19 24 facility for persons with mental illness, as defined in
19 25 section 135C.1, or a person who is a resident of a psychiatric
19 26 medical institution for children as defined in section 135H.1,
19 27 shall be fifty dollars per month. A resident who has income
19 28 of less than fifty dollars per month shall receive a
19 29 supplement from the state in the amount necessary to receive a
19 30 personal needs allowance of fifty dollars per month, if
19 31 funding is specifically appropriated for this purpose.

19 32 Sec. 44. Section 256C.3, subsection 4, paragraph d, Code
19 33 Supplement 2007, is amended to read as follows:

19 34 d. ~~Career~~ Professional development for school district
19 35 preschool teachers shall be addressed in the school district's



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

20 1 ~~career~~ professional development plan implemented in accordance
20 2 with section 284.6.

20 3 Sec. 45. Section 257.11, subsection 6, paragraph c, Code
20 4 Supplement 2007, is amended to read as follows:

20 5 c. Supplementary weighting pursuant to this subsection
20 6 shall be available to an area education agency for a maximum
20 7 of five years during the period commencing with the budget
20 8 year beginning July 1, 2008. The minimum amount of additional
20 9 funding for which an area education agency shall be eligible
20 10 is fifty thousand dollars, and the maximum amount of
20 11 additional funding for which an area education agency shall be
20 12 eligible is two hundred thousand dollars. The department of
20 13 management shall annually set a weighting for each area
20 14 education agency to generate the approved operational sharing
20 15 expense using the area education agency's special education
20 16 cost per pupil amount and foundation level. Receipt of
20 17 supplementary weighting by an area education agency for more
20 18 than one year shall be contingent upon the annual submission
20 19 of information by the district to the department documenting
20 20 cost savings directly attributable to the shared operational
20 21 functions. Criteria for determining the number of years for
20 22 which supplementary weighting shall be received pursuant to
20 23 this subsection, subject to the five-year maximum, and the
20 24 amount generated by the supplementary weighting, and for
20 25 determining qualification of operational functions for
20 26 supplementary weighting shall be determined by the department
20 27 by rule, through consideration of long-term savings by the
20 28 area ~~educational~~ education agency or increased student
20 29 opportunities.

20 30 Sec. 46. Section 308.3, subsection 1, 4, and 5, Code 2007,
20 31 are amended to read as follows:

20 32 1. "Conservation area" means land in which the state
20 33 department of transportation or the department of natural
20 34 resources has acquired rights, other than that land necessary
20 35 for a ~~right-of-way~~ right-of-way.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

21 1 4. ~~"Right of way"~~ "Right-of-way" means land area dedicated
21 2 to public use for a highway and its maintenance, and includes
21 3 land acquired in fee simple or by permanent easement for
21 4 highway purposes, but does not include temporary easements or
21 5 rights for supplementary highway appurtenances.

21 6 5. "A scenic and recreational highway" means a public
21 7 highway designated to allow enjoyment of aesthetic and scenic
21 8 views, points of historical, archaeological and scientific
21 9 interest, state parks and other recreational areas and
21 10 includes both the ~~right of way~~ right-of-way and conservation
21 11 area.

21 12 Sec. 47. Section 308.4, subsection 3, paragraph b, Code
21 13 2007, is amended to read as follows:

21 14 b. Accept and administer state, federal, and any other
21 15 public or private funds made available for the acquisition of
21 16 rights in land and for the planning and construction or
21 17 reconstruction of any segment of the great river road, and
21 18 state and federal funds for the maintenance of that part of
21 19 the great river road constituting the ~~right of way~~
21 20 right-of-way.

21 21 Sec. 48. Section 308.9, subsection 1, unnumbered paragraph
21 22 2, Code 2007, is amended to read as follows:

21 23 The state transportation commission shall give notice and
21 24 hold a public hearing on the matter in a convenient place in
21 25 the area to be affected by the proposed improvement of the
21 26 great river road. The state transportation commission shall
21 27 consider and evaluate the testimony presented at the public
21 28 hearing and shall make a study and prepare a map showing the
21 29 location of the proposed new or reconstructed segment of the
21 30 great river road and the approximate widths of ~~right of way~~
21 31 right-of-way needed. The map shall show the existing roadway
21 32 and the property lines and record owners of lands to be
21 33 needed. The approval of the map shall be recorded by
21 34 reference in the state transportation commission's minutes,
21 35 and a notice of the action and a copy of the map showing the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

22 1 lands or interest in the lands needed in any county shall be
22 2 filed in the office of the county recorder of that county.
22 3 Notice of the action and of the filing shall be published once
22 4 in a newspaper of general circulation in the county, and
22 5 within sixty days following the filing, notice of the filing
22 6 shall be served by registered mail on the owners of record on
22 7 the date of filing. Using the same procedures for approval,
22 8 notice and publications, and notice to the affected record
22 9 owners, the state transportation commission may amend the map.
22 10 Sec. 49. Section 321.52, subsection 4, paragraph c, Code
22 11 Supplement 2007, is amended to read as follows:
22 12 c. A salvage theft examination shall be made by a peace
22 13 officer who has been specially certified and recertified when
22 14 required by the Iowa law enforcement academy to do salvage
22 15 theft examinations. The Iowa law enforcement academy shall
22 16 determine standards for training and certification, conduct
22 17 training, and may approve alternative training programs which
22 18 satisfy the academy's standards for training and
22 19 certification. The owner of the salvage vehicle shall make
22 20 the vehicle available for examination at a time and location
22 21 designated by the peace officer doing the examination. The
22 22 owner may obtain a permit to drive the vehicle to and from the
22 23 examination location by submitting a repair affidavit to the
22 24 agency performing the examination stating that the vehicle is
22 25 reasonably safe for operation and listing the repairs which
22 26 have been made to the vehicle. The owner must be present for
22 27 the examination and have available for inspection the salvage
22 28 title, bills of sale for all essential parts changed, and the
22 29 repair affidavit. The examination shall be for the purposes
22 30 of determining whether the vehicle or repair components have
22 31 been stolen. The examination is not a safety inspection and a
22 32 signed salvage theft examination certificate shall not be
22 33 construed by any court of law to be a certification that the
22 34 vehicle is safe to be operated. There shall be no cause of
22 35 action against the peace officer or the agency conducting the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

23 1 examination or the county treasurer for failure to discover or
23 2 note safety defects. If the vehicle passes the theft
23 3 examination, the peace officer shall indicate that the vehicle
23 4 passed examination on the salvage theft examination
23 5 certificate. The permit and salvage theft examination
23 6 certificate shall be on controlled forms prescribed and
23 7 furnished by the department. The owner shall pay a fee of
23 8 thirty dollars upon completion of the examination. The agency
23 9 performing the examinations shall retain twenty dollars of the
23 10 fee and shall pay five dollars of the fee to the department
23 11 and five dollars of the fee to the treasurer of state for
23 12 deposit in the general fund of the state. Moneys deposited to
23 13 the general fund under this paragraph are subject to the
23 14 requirements of section 8.60 and shall be used by the Iowa law
23 15 enforcement academy to provide for the special training,
23 16 certification, and recertification of officers as required by
23 17 this subsection.

~~23 18 The state department of transportation shall adopt rules in
23 19 accordance with chapter 17A to carry out this section.~~

23 20 Sec. 50. Section 321.52, Code Supplement 2007, is amended
23 21 by adding the following new subsection:

23 22 NEW SUBSECTION. 5. The state department of transportation
23 23 shall adopt rules in accordance with chapter 17A to carry out
23 24 this section.

23 25 Sec. 51. Section 321J.15, Code 2007, is amended to read as
23 26 follows:

23 27 321J.15 EVIDENCE IN ANY ACTION.

23 28 Upon the trial of a civil or criminal action or proceeding
23 29 arising out of acts alleged to have been committed by a person
23 30 while operating a motor vehicle in violation of section 321J.2
23 31 or 321J.2A, evidence of the alcohol concentration or the
23 32 presence of a controlled substance or other drugs in the
23 33 person's body ~~substances~~ at the time of the act alleged as
23 34 shown by a chemical analysis of the person's blood, breath, or
23 35 urine is admissible. If it is established at trial that an



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

24 1 analysis of a breath specimen was performed by a certified
24 2 operator using a device intended to determine alcohol
24 3 concentration and methods approved by the commissioner of
24 4 public safety, no further foundation is necessary for
24 5 introduction of the evidence.

24 6 Sec. 52. Section 403A.6, Code 2007, is amended to read as
24 7 follows:

24 8 403A.6 OPERATION OF HOUSING NOT FOR PROFIT.

24 9 It is hereby declared to be the policy of this state that
24 10 each municipality shall manage and operate its housing
24 11 projects in an efficient manner so as to enable it to fix the
24 12 rentals or payments for dwelling accommodations at low rates
24 13 consistent with its providing decent, safe and sanitary
24 14 dwelling accommodations for persons of low income, and that no
24 15 municipality shall construct or operate any housing project
24 16 for profit, or as a source of revenue to the municipality. To
24 17 this end the municipality shall fix the rentals or payments
24 18 for dwellings in its projects at no higher rates than it shall
24 19 find to be necessary in order to produce revenues which,
24 20 ~~(together~~ together with all other available moneys, revenues,
24 21 income and receipts in connection with or for such projects
24 22 from whatever sources derived, including federal financial
24 23 ~~assistance)~~ assistance, will be sufficient ~~(1)~~ to do all of
24 24 the following:

24 25 1. ~~to~~ To pay, as the same become due, the principal and
24 26 interest on the bonds issued pursuant to this chapter; ~~(2).~~

24 27 2. ~~to~~ To create and maintain such reserves as may be
24 28 required to assure the payment of principal and interest as it
24 29 becomes due on such bonds; ~~(3).~~

24 30 3. ~~to~~ To meet the cost of, and to provide for, maintaining
24 31 and operating the projects ~~(including, including~~ necessary
24 32 reserves therefor and the cost of any insurance, and of
24 33 administrative ~~expenses); and (4)~~ expenses.

24 34 4. ~~to~~ To make such payments in lieu of taxes and, after
24 35 payment in full of all obligations for which federal annual



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

25 1 contributions are pledged, to make such repayments of federal
25 2 and local contributions as it determines are consistent with
25 3 the maintenance of the low-rent character of projects.
25 4 Rentals or payments for dwellings shall be established and the
25 5 projects administered, insofar as possible, so as to assure
25 6 that any federal financial assistance required shall be
25 7 strictly limited to amounts and periods necessary to maintain
25 8 the low-rent character of the projects.

25 9 Sec. 53. Section 403A.7, Code 2007, is amended to read as
25 10 follows:

25 11 403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.

25 12 1. A municipality shall do the following:

25 13 ~~1.~~ a. Rent or lease the dwelling accommodations in a
25 14 housing project only to persons or families of low income and
25 15 at rentals within their financial reach.

25 16 ~~2.~~ b. Rent or lease to a tenant such dwelling
25 17 accommodations consisting of the number of rooms which it
25 18 deems necessary to provide safe and sanitary accommodations to
25 19 the proposed occupants without overcrowding.

25 20 ~~3.~~ c. (1) Fix income limits for occupancy and rents
25 21 after taking into consideration the following:

25 22 ~~a.~~ (a) The family size, composition, age, physical
25 23 disabilities, and other factors which might affect the
25 24 rent-paying ability of the person or family.

25 25 ~~b.~~ (b) The economic factors which affect the financial
25 26 stability and solvency of the project.

25 27 (2) However, such determination of eligibility shall be
25 28 within the limits of the income limits hereinbefore set out.

25 29 2. Nothing contained in this section or ~~the preceding~~
25 30 section 403A.6 shall be construed as limiting the power of a
25 31 municipality with respect to a housing project, to vest in an
25 32 obligee the right, in the event of a default by the
25 33 municipality, to take possession or cause the appointment of a
25 34 receiver for the housing project, free from all the
25 35 restrictions imposed by this section or ~~the preceding~~ section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

26 1 403A.6.

26 2 Sec. 54. Section 423.4, subsection 8, paragraph d, Code
26 3 Supplement 2007, is amended to read as follows:

26 4 d. In determining the amount to be refunded, if the dates
26 5 of the utility billing or meter reading cycle for the sale or
26 6 furnishing of metered gas and electricity ~~is~~ are on or after
26 7 the first day of the first month through the last day of the
26 8 last month of the refund year, the full amount of tax charged
26 9 in the billings shall be refunded. In determining the amount
26 10 to be refunded, if the dates of the sale or furnishing of fuel
26 11 for purposes of commercial energy and the delivery of the fuel
26 12 ~~is~~ are on or after the first day of the first month through
26 13 the last day of the last month of the refund year, the full
26 14 amount of tax charged in the billings shall be refunded.

26 15 Sec. 55. Section 423B.6, subsection 2, paragraph b, Code
26 16 2007, is amended to read as follows:

26 17 b. The ordinance of a county board of supervisors imposing
26 18 a local sales and services tax shall adopt by reference the
26 19 applicable provisions of the appropriate sections of chapter
26 20 423. All powers and requirements of the director to
26 21 administer the state sales tax law and use tax law are
26 22 applicable to the administration of a local sales and services
26 23 tax law and the local excise tax, including but not limited to
26 24 the provisions of section 422.25, subsection 4, sections
26 25 422.30, 422.67, and 422.68, section 422.69, subsection 1,
26 26 sections 422.70 ~~to~~ through 422.75, section 423.14, subsection
26 27 1 and subsection 2, paragraphs "b" through "e", and sections
26 28 423.15, 423.23, 423.24, 423.25, 423.31 ~~to~~ through 423.35,
26 29 423.37 ~~to~~ through 423.42, 423.46, and 423.47. Local officials
26 30 shall confer with the director of revenue for assistance in
26 31 drafting the ordinance imposing a local sales and services
26 32 tax. A certified copy of the ordinance shall be filed with
26 33 the director as soon as possible after passage.

26 34 Sec. 56. Section 452A.53, Code 2007, is amended to read as
26 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

27 1 452A.53 PERMIT OR LICENSE.

27 2 1. The advance arrangements referred to in ~~the preceding~~
27 3 section 452A.52 shall include the procuring of a permanent
27 4 international fuel tax agreement permit or license or ~~single~~
~~27 5 trip~~ single=trip interstate permit.

27 6 2. Persons choosing not to make advance arrangements with
27 7 the state department of transportation by procuring a permit
27 8 or license are not relieved of their responsibility to
27 9 purchase motor fuel and special fuel commensurate with their
27 10 use of the state's highway system. When there is reasonable
27 11 cause to believe that there is evasion of the fuel tax on
27 12 commercial motor vehicles, the state department of
27 13 transportation may audit persons not holding a permit or
27 14 license. Audits shall be conducted pursuant to section
27 15 452A.55 and in accordance with international fuel tax
27 16 agreement guidelines. The state department of transportation
27 17 shall collect all taxes due and refund any overpayment.

27 18 3. A permanent international fuel tax agreement permit or
27 19 license may be obtained upon application to the state
27 20 department of transportation. A fee of ten dollars shall be
27 21 charged for each permit or license issued. The holder of a
27 22 permanent permit or license shall have the privilege of
27 23 bringing into this state in the fuel supply tanks of
27 24 commercial motor vehicles any amount of motor fuel or special
27 25 fuel to be used in the operation of the vehicles and for that
27 26 privilege shall pay Iowa motor fuel or special fuel taxes as
27 27 provided in section 452A.54.

27 28 4. A ~~single trip~~ single=trip interstate permit may be
27 29 obtained from the state department of transportation. A fee
27 30 of twenty dollars shall be charged for each individual ~~single~~
~~27 31 trip~~ single=trip interstate permit issued. A ~~single trip~~
27 32 single=trip interstate permit is subject to the following
27 33 provisions and limitations:

27 34 1. a. The permit shall be issued and be valid for
27 35 seventy=two consecutive hours, except in emergencies, or until



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

28 1 the time of leaving the state, whichever first occurs.

28 2 2. b. The permit shall cover only one commercial motor
28 3 vehicle and is not transferable.

28 4 3. c. ~~Single trip~~ Single=trip interstate fuel permits may
28 5 be made available from sources other than indicated in this
28 6 section at the discretion of the state department of
28 7 transportation.

28 8 5. Each vehicle operated into or through Iowa in
28 9 interstate operations using motor fuel or special fuel
28 10 acquired in any other state shall carry in or on the vehicle a
28 11 duplicate or evidence of the permit or license required in
28 12 this section. A fee not to exceed fifty cents shall be
28 13 charged for each duplicate or other evidence of a permit or
28 14 license issued.

28 15 Sec. 57. Section 453A.31, subsection 2, paragraph c, Code
28 16 Supplement 2007, is amended to read as follows:

28 17 c. A one thousand dollar penalty for a third or subsequent
28 18 violation within three years of the first violation.

28 19 Sec. 58. Section 453A.50, subsection 3, paragraph a,
28 20 subparagraph (3), Code Supplement 2007, is amended to read as
28 21 follows:

28 22 (3) A one thousand dollar penalty for a third or
28 23 subsequent violation within three years of the first
28 24 violation.

28 25 Sec. 59. Section 455B.109, subsection 1, Code 2007, is
28 26 amended to read as follows:

28 27 1. The commission shall establish, by rule, a schedule or
28 28 range of civil penalties which may be administratively
28 29 assessed. The schedule shall provide procedures and criteria
28 30 for the administrative assessment of penalties of not more
28 31 than ten thousand dollars for violations of this chapter or
28 32 rules, permits or orders adopted or issued under this chapter.
28 33 In adopting a schedule or range of penalties and in proposing
28 34 or assessing a penalty, the commission and director shall
28 35 consider among other relevant factors the following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

29 1 a. The costs saved or likely to be saved by noncompliance
29 2 by the violator.
29 3 b. The gravity of the violation.
29 4 c. The degree of culpability of the violator.
29 5 d. The maximum penalty authorized for that violation under
29 6 this chapter.
29 7 1A. Penalties may be administratively assessed only after
29 8 an opportunity for a contested case hearing which may be
29 9 combined with a hearing on the merits of the alleged
29 10 violation. Violations not fitting within the schedule, or
29 11 violations which the commission determines should be referred
29 12 to the attorney general for legal action shall not be governed
29 13 by the schedule established under ~~this~~ subsection 1.
29 14 Sec. 60. Section 455B.455, Code 2007, is amended to read
29 15 as follows:
29 16 455B.455 SURCHARGE IMPOSED.
29 17 A land burial surcharge tax of two percent is imposed on
29 18 the fee for land burial of a hazardous waste. The owner of
29 19 the land burial facility shall remit the tax collected to the
29 20 director of revenue after consultation with the director
29 21 according to rules that the director shall adopt. The
29 22 director shall forward a copy of the site license to the
29 23 director of revenue which shall be the appropriate license for
29 24 the collection of the land burial surcharge tax and shall be
29 25 subject to suspension or revocation if the site license holder
29 26 fails to collect or remit the tax collected under this
29 27 section. The provisions of section 422.25, subsection 4,
29 28 sections 422.30, 422.67, and 422.68, section 422.69,
29 29 subsection 1, sections 422.70 ~~to~~ through 422.75, section
29 30 423.14, subsection 1, and sections 423.23, 423.24, 423.25,
29 31 423.31, 423.33, 423.35, 423.37 ~~to~~ through 423.42, and 423.47,
29 32 consistent with the provisions of this part 6 of division IV,
29 33 shall apply with respect to the taxes authorized under this
29 34 part, in the same manner and with the same effect as if the
29 35 land burial surcharge tax were sales taxes within the meaning



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

30 1 of those statutes. Notwithstanding the provisions of this
30 2 section, the director shall provide for only quarterly filing
30 3 of returns as prescribed in section 423.31. Taxes collected
30 4 by the director of revenue under this section shall be
30 5 deposited in the general fund of the state.

30 6 Sec. 61. Section 459.102, subsection 18, Code 2007, is
30 7 amended to read as follows:

30 8 18. "Covered" means organic or inorganic material placed
30 9 upon an animal feeding operation structure used to store
30 10 manure as provided by rules adopted by the department after
30 11 receiving recommendations which shall be submitted to the
30 12 department by the college of agriculture and life sciences at
30 13 Iowa state university of science and technology.

30 14 Sec. 62. Section 469.9, subsection 2, Code Supplement
30 15 2007, is amended to read as follows:

30 16 2. The fund shall be used to further the goals of
30 17 increasing the research, development, production, and use of
30 18 biofuels and other sources of renewable energy, ~~improve~~
30 19 improving energy efficiency, and ~~reduce~~ reducing greenhouse
30 20 gas emissions, and shall encourage, support, and provide for
30 21 research, development, commercialization, and the
30 22 implementation of energy technologies and practices. The
30 23 technologies and practices should reduce this state's
30 24 dependence on foreign sources of energy and fossil fuels. The
30 25 research, development, commercialization, implementation, and
30 26 distribution of such technologies and practices are intended
30 27 to sustain the environment and develop business in this state
30 28 as Iowans market these technologies and practices to the
30 29 world.

30 30 Sec. 63. Section 469.9, subsection 4, paragraph b,
30 31 subparagraph (2), Code Supplement 2007, is amended to read as
30 32 follows:

30 33 (2) Utilization of crops and products grown or produced in
30 34 this state that ~~maximize~~ maximizes the value of crops used as
30 35 feedstock in biomanufacturing products and as coproducts.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

31 1 Sec. 64. Section 469.10, subsections 3 and 4, Code
31 2 Supplement 2007, are amended to read as follows:
31 3 3. Of the moneys appropriated to the office and deposited
31 4 in the fund, there shall be allocated on an annual basis two
31 5 million five hundred thousand dollars to the department of
31 6 economic development for deposit into the workforce training
31 7 and economic development funds of the community colleges
31 8 created pursuant to section 260C.18A. Of the funds so
31 9 deposited into the workforce training and economic development
31 10 funds of the community colleges, two million five hundred
31 11 thousand dollars shall be used each year in the development
31 12 and expansion of energy industry areas and for the
31 13 department's north American ~~industrial~~ industry classification
31 14 system for targeted industry areas established pursuant to
31 15 section 260C.18A.

31 16 4. Notwithstanding section 8.33, amounts appropriated
31 17 pursuant to this section shall not revert but shall remain
31 18 available for the purposes designated for the following fiscal
31 19 year. Notwithstanding section 12C.7, subsection 2, interest
31 20 or earnings on moneys in the ~~funds~~ Iowa power fund shall be
31 21 credited to the fund.

31 22 Sec. 65. Section 477.5, Code 2007, is amended to read as
31 23 follows:

31 24 477.5 EQUAL FACILITIES == DELAY.

31 25 If the proprietor of any telegraph or telephone line within
31 26 the state, or the person having the control and management
31 27 thereof, refuses to furnish equal facilities to the public and
31 28 to all connecting lines for the transmission of communications
31 29 in accordance with the nature of the business which it
31 30 undertakes to carry on, or to transmit the same with fidelity
31 31 and without unreasonable delay, the law in relation to limited
31 32 partnerships, corporations, and to the taking of private
31 33 property for works of internal improvement, shall ~~not~~ no
31 34 longer apply to them, and property taken for the use thereof
31 35 without the consent of the owner may be recovered by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

32 1 owner.

32 2 Sec. 66. Section 479.29, subsection 2, Code Supplement
32 3 2007, is amended to read as follows:

32 4 2. The county board of supervisors shall cause an on-site
32 5 inspection for compliance with the standards adopted under
32 6 this section to be performed at any pipeline construction
32 7 project in the county. A ~~licensed~~ professional engineer
32 8 familiar with the standards adopted under this section and
32 9 licensed under chapter 542B shall be responsible for the
32 10 inspection. A county board of supervisors may contract for
32 11 the services of a licensed professional engineer for the
32 12 purposes of the inspection. The reasonable costs of the
32 13 inspection shall be borne by the pipeline company.

32 14 Sec. 67. Section 483A.24, subsections 3 and 4, Code
32 15 Supplement 2007, are amended to read as follows:

32 16 3. The director shall provide up to seventy-five
32 17 nonresident deer hunting licenses for allocation as requested
32 18 by a majority of a committee consisting of the majority leader
32 19 of the senate, speaker of the house of representatives, and
32 20 director of the department of economic development, or their
32 21 designees. The licenses provided pursuant to ~~the~~ this
32 22 subsection shall be in addition to the number of nonresident
32 23 licenses authorized pursuant to section 483A.8. The purpose
32 24 of the special nonresident licenses is to allow state
32 25 officials and local development groups to promote the state
32 26 and its natural resources to nonresident guests and
32 27 dignitaries. Photographs, videotapes, or any other form of
32 28 media resulting from the hunting visitation shall not be used
32 29 for political campaign purposes. The nonresident licenses
32 30 shall be issued without application upon payment of the
32 31 nonresident deer hunting license fee and the wildlife habitat
32 32 fee. The licenses are valid in all zones open to deer
32 33 hunting. The hunter safety and ethics education certificate
32 34 requirement pursuant to section 483A.27 is waived for a
32 35 nonresident issued a license pursuant to this subsection.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

33 1 4. The director shall provide up to twenty-five
33 2 nonresident wild turkey hunting licenses for allocation as
33 3 requested by a majority of a committee consisting of the
33 4 majority leader of the senate, speaker of the house of
33 5 representatives, and director of the department of economic
33 6 development, or their designees. The licenses provided
33 7 pursuant to ~~the~~ this subsection shall be in addition to the
33 8 number of nonresident licenses authorized pursuant to section
33 9 483A.7. The purpose of the special nonresident licenses is to
33 10 allow state officials and local development groups to promote
33 11 the state and its natural resources to nonresident guests and
33 12 dignitaries. Photographs, videotapes, or any other form of
33 13 media resulting from the hunting visitation shall not be used
33 14 for political campaign purposes. The nonresident licenses
33 15 shall be issued without application upon payment of the
33 16 nonresident wild turkey hunting license fee and the wildlife
33 17 habitat fee. The licenses are valid in all zones open to wild
33 18 turkey hunting. The hunter safety and ethics education
33 19 certificate requirement pursuant to section 483A.27 is waived
33 20 for a nonresident issued a license pursuant to this
33 21 subsection.

33 22 Sec. 68. Section 512B.9, subsection 2, Code 2007, is
33 23 amended to read as follows:

33 24 2. a. A person may be indemnified and reimbursed by a
33 25 society for expenses reasonably incurred by, and liabilities
33 26 imposed upon, the person in connection with or arising out of
33 27 a proceeding, whether civil, criminal, administrative, or
33 28 investigative, or a threat of action in which the person is or
33 29 may be involved by reason of the person being a director,
33 30 officer, employee, or agent of the society or of any other
33 31 legal entity or position which the person served in any
33 32 capacity at the request of the society.

33 33 b. However, a person shall not be so indemnified or
33 34 reimbursed for either of the following:

33 35 ~~a.~~ (1) In relation to any matter to which the person is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

34 1 finally adjudged to be or have been guilty of breach of a duty
34 2 as a director, officer, employee, or agent of the society.
34 3 ~~b.~~ (2) In relation to any matter which has been made the
34 4 subject of a compromise settlement.
34 5 c. However, if the person acted in good faith for a
34 6 purpose the person reasonably believed to be in or not opposed
34 7 to the best interests of the society and, in addition, in a
34 8 criminal proceeding, had no reasonable cause to believe that
34 9 the conduct was unlawful, ~~paragraphs "a" and~~ paragraph "b",
34 10 subparagraphs (1) and (2), do not apply. The determination
34 11 whether the conduct of the person met the standard required in
34 12 order to justify indemnification and reimbursement in relation
34 13 to any matter described in paragraph ~~"a" or "b",~~ subparagraph
34 14 (1) or (2), may only be made by the supreme governing body by
34 15 a majority vote of a quorum consisting of persons who were not
34 16 parties to the proceeding or by a court of competent
34 17 jurisdiction. The termination of a proceeding by judgment,
34 18 order, settlement, conviction, or upon a plea of no contest,
34 19 as to a person, does not in itself create a conclusive
34 20 presumption that the person met or did not meet the standard
34 21 of conduct required in order to justify indemnification and
34 22 reimbursement. The right of indemnification and reimbursement
34 23 is not exclusive of other rights to which a person may be
34 24 entitled as a matter of law and shall inure to the benefit of
34 25 the person's heirs, executors, and administrators.
34 26 Sec. 69. Section 554.2315, Code 2007, is amended to read
34 27 as follows:
34 28 554.2315 IMPLIED WARRANTY == FITNESS FOR PARTICULAR
34 29 PURPOSE.
34 30 Where the seller at the time of contracting has reason to
34 31 know any particular purpose for which the goods are required
34 32 and that the buyer is relying on the seller's skill or
34 33 judgment to select or furnish suitable goods, there is unless
34 34 excluded or modified under ~~the next~~ section 554.2316 an
34 35 implied warranty that the goods shall be fit for such purpose.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

35 1 Sec. 70. Section 554.2502, subsection 1, Code 2007, is
35 2 amended to read as follows:
35 3 1. Subject to subsections 2 and 3 and even though the
35 4 goods have not been shipped a buyer who has paid a part or all
35 5 of the price of goods in which the buyer has a special
35 6 property under the provisions of ~~the immediately preceding~~
35 7 section 554.2501 may on making and keeping good a tender of
35 8 any unpaid portion of their price recover them from the seller
35 9 if:
35 10 a. in the case of goods bought for personal, family, or
35 11 household purposes, the seller repudiates or fails to deliver
35 12 as required by the contract; or
35 13 b. in all cases the seller becomes insolvent within ten
35 14 days after receipt of the first installment on their price.
35 15 Sec. 71. Section 554.2503, subsection 2, Code Supplement
35 16 2007, is amended to read as follows:
35 17 2. Where the case is within ~~the next~~ section 554.2504
35 18 respecting shipment tender requires that the seller comply
35 19 with its provisions.
35 20 Sec. 72. Section 554.2604, Code 2007, is amended to read
35 21 as follows:
35 22 554.2604 BUYER'S OPTIONS AS TO SALVAGE OF RIGHTFULLY
35 23 REJECTED GOODS.
35 24 Subject to the provisions of ~~the immediately preceding~~
35 25 section 554.2603 on perishables if the seller gives no
35 26 instructions within a reasonable time after notification of
35 27 rejection the buyer may store the rejected goods for the
35 28 seller's account or reship them to the seller or resell them
35 29 for the seller's account with reimbursement as provided in ~~the~~
~~35 30 preceding~~ section 554.2603. Such action is not acceptance or
35 31 conversion.
35 32 Sec. 73. Section 554.2615, unnumbered paragraph 1, Code
35 33 2007, is amended to read as follows:
35 34 Except so far as a seller may have assumed a greater
35 35 obligation and subject to ~~the preceding~~ section 554.2614 on



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

36 1 substituted performance:

36 2 Sec. 74. Section 554.2616, subsections 1 and 3, Code 2007,
36 3 is amended to read as follows:

36 4 1. Where the buyer receives notification of a material or
36 5 indefinite delay or an allocation justified under ~~the~~

~~36 6 preceding~~ section 554.2615 the buyer may by written

36 7 notification to the seller as to any delivery concerned, and

36 8 where the prospective deficiency substantially impairs the

36 9 value of the whole contract under the provisions of this

36 10 Article relating to breach of installment contracts (section

36 11 554.2612), then also as to the whole,

36 12 a. terminate and thereby discharge any unexecuted portion

36 13 of the contract; or

36 14 b. modify the contract by agreeing to take the buyer's

36 15 available quota in substitution.

36 16 3. The provisions of this section may not be negated by

36 17 agreement except insofar as the seller has assumed a greater

36 18 obligation under ~~the preceding~~ section 554.2615.

36 19 Sec. 75. Section 554.2703, Code 2007, is amended to read
36 20 as follows:

36 21 554.2703 SELLER'S REMEDIES IN GENERAL.

36 22 Where the buyer wrongfully rejects or revokes acceptance of

36 23 goods or fails to make a payment due on or before delivery or

36 24 repudiates with respect to a part or the whole, then with

36 25 respect to any goods directly affected and, if the breach is

36 26 of the whole contract (section 554.2612), then also with

36 27 respect to the whole undelivered balance, the aggrieved seller

36 28 may:

36 29 ~~a.~~ 1. withhold delivery of such goods;

36 30 ~~b.~~ 2. stop delivery by any bailee as hereafter provided

36 31 (section 554.2705);

36 32 ~~c.~~ 3. proceed under ~~the next~~ section 554.2704 respecting

36 33 goods still unidentified to the contract;

36 34 ~~d.~~ 4. resell and recover damages as hereafter provided

36 35 (section 554.2706);



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

37 1 ~~e.~~ 5. recover damages for nonacceptance (section
37 2 554.2708) or in a proper case the price (section 554.2709);
37 3 ~~f.~~ 6. cancel.
37 4 Sec. ~~76.~~ Section 554.2704, subsection 1, Code 2007, is
37 5 amended to read as follows:
37 6 1. An aggrieved seller under ~~the preceding~~ section
37 7 554.2703 may:
37 8 a. identify to the contract conforming goods not already
37 9 identified if at the time the seller learned of the breach
37 10 they are in the seller's possession or control;
37 11 b. treat as the subject of resale goods which have
37 12 demonstrably been intended for the particular contract even
37 13 though those goods are unfinished.
37 14 Sec. 77. Section 554.2709, subsections 1 and 3, Code 2007,
37 15 is amended to read as follows:
37 16 1. When the buyer fails to pay the price as it becomes due
37 17 the seller may recover, together with any incidental damages
37 18 under the next section, the price:
37 19 a. of goods accepted or of conforming goods lost or
37 20 damaged within a commercially reasonable time after risk of
37 21 their loss has passed to the buyer; and
37 22 b. of goods identified to the contract if the seller is
37 23 unable after reasonable effort to resell them at a reasonable
37 24 price or the circumstances reasonably indicate that such
37 25 effort will be unavailing.
37 26 3. After the buyer has wrongfully rejected or revoked
37 27 acceptance of the goods or has failed to make a payment due or
37 28 has repudiated (section 554.2610), a seller who is held not
37 29 entitled to the price under this section shall nevertheless be
37 30 awarded damages for nonacceptance under ~~the preceding~~ section
37 31 554.2708.
37 32 Sec. 78. Section 554.2711, subsections 1 and 2, Code 2007,
37 33 are amended to read as follows:
37 34 1. Where the seller fails to make delivery or repudiates
37 35 or the buyer rightfully rejects or justifiably revokes



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

38 1 acceptance then with respect to any goods involved, and with
38 2 respect to the whole if the breach goes to the whole contract
38 3 (section 554.2612), the buyer may cancel and whether or not
38 4 the buyer has done so may in addition to recovering so much of
38 5 the price as has been paid:

38 6 a. "cover" and have damages under ~~the next~~ section
38 7 554.2712 as to all the goods affected whether or not they have
38 8 been identified to the contract; or

38 9 b. recover damages for nondelivery as provided in this
38 10 Article (section 554.2713).

38 11 2. Where the seller fails to deliver or repudiates the
38 12 buyer may also:

38 13 a. if the goods have been identified recover them as
38 14 provided in this Article (section 554.2502); or

38 15 b. in a proper case obtain specific performance or replevy
38 16 the goods as provided in this Article (section 554.2716).

38 17 Sec. 79. Section 554.2712, subsection 1, Code 2007, is
38 18 amended to read as follows:

38 19 1. After a breach within ~~the preceding~~ section 554.2711
38 20 the buyer may "cover" by making in good faith and without
38 21 unreasonable delay any reasonable purchase of or contract to
38 22 purchase goods in substitution for those due from the seller.

38 23 Sec. 80. Section 554.2714, subsection 3, Code 2007, is
38 24 amended to read as follows:

38 25 3. In a proper case any incidental and consequential
38 26 damages under ~~the next~~ section 554.2715 may also be recovered.

38 27 Sec. 81. Section 554.2719, subsection 1, Code 2007, is
38 28 amended to read as follows:

38 29 1. Subject to the provisions of subsections 2 and 3 of
38 30 this section and of ~~the preceding~~ section 554.2718 on
38 31 liquidation and limitation of damages,

38 32 a. the agreement may provide for remedies in addition to
38 33 or in substitution for those provided in this Article and may
38 34 limit or alter the measure of damages recoverable under this
38 35 Article, as by limiting the buyer's remedies to return of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

39 1 goods and repayment of the price or to repair and replacement
39 2 of nonconforming goods or parts; and
39 3 b. resort to a remedy as provided is optional unless the
39 4 remedy is expressly agreed to be exclusive, in which case it
39 5 is the sole remedy.

39 6 Sec. 82. Section 554.7601A, subsection 2, Code Supplement
39 7 2007, is amended to read as follows:

39 8 2. If a warehouse receipt has been lost, ~~stolen~~, or
39 9 destroyed, the depositor may either remove the goods from the
39 10 warehouse facility or sell the goods to the warehouse after
39 11 executing a lost warehouse receipt release on a form
39 12 prescribed by the department of agriculture and land
39 13 stewardship. The form shall include an affidavit stating that
39 14 the warehouse receipt has been lost or destroyed, and the
39 15 depositor's undertaking to indemnify the warehouse for any
39 16 loss incurred as a result of the loss or destruction of the
39 17 warehouse receipt. The form shall be filed with the
39 18 department of agriculture and land stewardship.

39 19 Sec. 83. Section 554.13103, subsection 3, Code Supplement
39 20 2007, is amended to read as follows:

39 21 3. The following definitions in other Articles apply to
39 22 this Article:

39 23	"Account"	Section 554.9102, subsection 1, paragraph "b"
39 24	"Between merchants"	Section 554.2104, subsection 3
39 25	"Buyer"	Section 554.2103, subsection 1, paragraph "a"
39 26	"Chattel paper"	Section 554.9102, subsection 1, paragraph "k"
39 27	"Consumer goods"	Section 554.9102, subsection 1, paragraph "w"
39 28	"Document"	Section 554.9102, subsection 1, paragraph "ad"
39 29	"Entrusting"	Section 554.2403, subsection 3
39 30	"General intangible"	Section 554.9102, subsection 1,
39 31		
39 32		
39 33		
39 34		
39 35		



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

40	1		paragraph "ap"
40	2	"Good faith"	Section 554.2103, subsection 1,
40	3		paragraph "b" 554.1201
40	4	"Instrument"	Section 554.9102, subsection 1,
40	5		paragraph "au"
40	6	"Merchant"	Section 554.2104, subsection 1
40	7	"Mortgage"	Section 554.9102, subsection 1,
40	8		paragraph "bc"
40	9	"Pursuant to commitment"	Section 554.9102, subsection 1,
40	10		paragraph "bp"
40	11	"Receipt"	Section 554.2103, subsection 1,
40	12		paragraph "c"
40	13	"Sale"	Section 554.2106, subsection 1
40	14	"Sale on approval"	Section 554.2326
40	15	"Sale or return"	Section 554.2326
40	16	"Seller"	Section 554.2103, subsection 1,
40	17		paragraph "d"
40	18	Sec. 84. Section 554.13309, subsection 7, Code 2007, is	
40	19	amended to read as follows:	
40	20	7. In cases not within the preceding subsections <u>1 through</u>	
40	21	<u>6</u> , priority between the interest of a lessor of fixtures,	
40	22	including the lessor's residual interest, and the conflicting	
40	23	interest of an encumbrancer or owner of the real estate who is	
40	24	not the lessee is determined by the priority rules governing	
40	25	conflicting interests in real estate.	
40	26	Sec. 85. Section 614.1, subsection 5, Code Supplement	
40	27	2007, is amended to read as follows:	
40	28	5. WRITTEN CONTRACTS == JUDGMENTS OF COURTS NOT OF RECORD	
40	29	== RECOVERY OF REAL PROPERTY. Those founded on written	
40	30	contracts, or on judgments of any courts except those provided	
40	31	for in the next subsection <u>6</u> , and those brought for the	
40	32	recovery of real property, within ten years.	
40	33	Sec. 86. Section 633.113, Code 2007, is amended to read as	
40	34	follows:	
40	35	633.113 COMMITMENT.	



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

41 1 If, upon being served with an order of the court requiring
41 2 appearance for interrogation, as provided in ~~the preceding~~
~~41 3 sections hereof~~ section 633.112, any person fails to appear in
41 4 accordance therewith, or if, having appeared, the person
41 5 refuses to answer any question which the court thinks proper
41 6 to be put to the person in the course of such examination, or
41 7 if the person fails to comply with the order of the court
41 8 requiring the delivery of the property to the fiduciary, the
41 9 person may be committed to the jail of the county until the
41 10 person does.

41 11 Sec. 87. Section 633.305, unnumbered paragraph 1, Code
41 12 2007, is amended to read as follows:

41 13 On admission of a will to probate without administration of
41 14 the estate, the proponent shall cause to be published, in the
41 15 manner prescribed in ~~the preceding~~ section 633.304, a notice
41 16 of the admission of the will to probate. As soon as
41 17 practicable following the admission of the will to probate,
41 18 the proponent shall give notice of the admission of the will
41 19 to probate by ordinary mail addressed to the surviving spouse,
41 20 each heir of the decedent, and each devisee under the will
41 21 admitted to probate whose identities are reasonably
41 22 ascertainable, at such persons' last known addresses. The
41 23 notice of the admission of the will to probate shall include a
41 24 notice that any action to set aside the will must be brought
41 25 within the later to occur of four months from the date of the
41 26 second publication of the notice or one month from the date of
41 27 mailing of this notice, or thereafter be barred.

41 28 Sec. 88. Section 633.426, Code 2007, is amended to read as
41 29 follows:

41 30 633.426 ORDER OF PAYMENT OF DEBTS AND CHARGES.

41 31 Payment of debts and charges of the estate shall be made in
41 32 the order provided in ~~the preceding~~ section 633.425, without
41 33 preference of any claim over another of the same class. If
41 34 the assets of the estate are insufficient to pay in full all
41 35 of the claims of a class, then such claims shall be paid on a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

42 1 pro rata basis, without preference between claims then due and
42 2 those of the same class not due.

42 3 Sec. 89. Section 633.700, unnumbered paragraph 1, Code
42 4 Supplement 2007, is amended to read as follows:

42 5 Unless specifically relieved from so doing₇ by the
42 6 instrument creating the trust₇ or by order of the court, the
42 7 trustee shall make a written report₇ under oath₇ to the court₇
42 8 once each year₇ within ninety days of the close of the
42 9 reporting period, and more often₇ if required by the court.
42 10 Such report shall state:

42 11 Sec. 90. Section 718A.1, unnumbered paragraph 1, Code
42 12 Supplement 2007, is amended to read as follows:

42 13 As used in this ~~section~~ chapter:

42 14 Sec. 91. Section 729.1, Code 2007, is amended to read as
42 15 follows:

42 16 729.1 RELIGIOUS TEST.

42 17 Any violation of ~~section 4~~, Article I, section 4, of the
42 18 Constitution of the State of Iowa is hereby declared to be a
42 19 simple misdemeanor unless a greater penalty is otherwise
42 20 provided by law.

42 21 Sec. 92. Section 820.14, Code 2007, is amended to read as
42 22 follows:

42 23 820.14 ARREST WITHOUT WARRANT.

42 24 The arrest of a person may be lawfully made also by any
42 25 peace officer or a private person, without a warrant upon
42 26 reasonable information that the accused stands charged in the
42 27 courts of a state with a crime punishable by death or
42 28 imprisonment for a term exceeding one year, but when so
42 29 arrested the accused must be taken before a judge or
42 30 magistrate with all practicable speed and complaint must be
42 31 made against the accused under oath setting forth the ground
42 32 for the arrest as in ~~the preceding~~ section 820.13; and
42 33 thereafter the accused's answer shall be heard as if the
42 34 accused had been arrested on a warrant.

42 35 Sec. 93. Section 820.15, Code 2007, is amended to read as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

43 1 follows:

43 2 820.15 HOLDING TO AWAIT REQUISITION.

43 3 If from the examination before the judge or magistrate it
43 4 appears that the person held is the person charged with having
43 5 committed the crime alleged and, except in cases arising under
43 6 section 820.6, that the person has fled from justice, the
43 7 judge or magistrate must, by a warrant reciting the
43 8 accusation, commit the person to the county jail for such a
43 9 time not exceeding thirty days and specified in the warrant,
43 10 as will enable the arrest of the accused to be made under a
43 11 warrant of the governor on a requisition of the executive
43 12 authority of the state having jurisdiction of the offense,
43 13 unless the accused give bail as provided in ~~the next~~ section
43 14 820.16, or until the accused shall be legally discharged.

43 15 Sec. 94. Section 915.20A, subsection 1, paragraph d, Code
43 16 2007, is amended to read as follows:

43 17 d. "Victim counselor" means a person who is engaged in a
43 18 crime victim center, is certified as a counselor by the crime
43 19 victim center, and is under the control of a direct services
43 20 supervisor of a crime victim center, whose primary purpose is
43 21 the rendering of advice, counseling, and assistance to the
43 22 victims of crime. To qualify as a "victim counselor" under
43 23 this section, the person must also have completed at least
43 24 twenty hours of training provided by the center in which the
43 25 person is engaged, by the Iowa organization of victim
43 26 assistance, by the Iowa coalition against sexual ~~abuse~~
43 27 assault, or by the Iowa coalition against domestic violence,
43 28 which shall include but not be limited to, the dynamics of
43 29 victimization, substantive laws relating to violent crime,
43 30 sexual assault, and domestic violence, crisis intervention
43 31 techniques, communication skills, working with diverse
43 32 populations, an overview of the state criminal justice system,
43 33 information regarding pertinent hospital procedures, and
43 34 information regarding state and community resources for
43 35 victims of crime.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

44 1 Sec. 95. 2007 Iowa Acts, chapter 182, section 3,
44 2 subsection 1, is amended to read as follows:
44 3 1. The Iowa propane education and research council is
44 4 established. Members of the council shall be appointed by the
44 5 governor from a list of nominees submitted by qualified
44 6 propane industry organizations within thirty days after the
44 7 effective date of this section of this Act and by December 15
44 8 of each year thereafter. The council shall consist of ten
44 9 voting members, nine of whom represent retail propane
44 10 marketers and one of whom shall be a public member. Qualified
44 11 propane industry organizations shall together nominate all
44 12 members of the council. A vacancy in the unfinished term of a
44 13 council member shall be filled for the remainder of the term
44 14 in the same manner as the original appointment was made.
44 15 Other than the public member, council members shall be
44 16 full-time employees or owners of a propane industry business
44 17 or representatives of an agricultural cooperative actively
44 18 engaged in the propane industry. An employee of a qualified
44 19 propane industry organization shall not serve as a member of
44 20 the council. An officer of the board of directors of a
44 21 qualified propane industry organization or propane industry
44 22 trade association shall not serve concurrently as a member of
44 23 the council. The fire marshal or a designee may serve as an
44 24 ex officio, nonvoting member of the council.
44 25 Sec. 96. 2007 Iowa Acts, chapter 197, section 33,
44 26 subsection 1, is amended to read as follows:
44 27 1. All new electrical installations for commercial or
44 28 industrial applications, including installations both inside
44 29 and outside of buildings, and for public use buildings and
44 30 facilities and any installation at the request of the property
44 31 owner.
44 32 Sec. 97. 2007 Iowa Acts, chapter 197, section 34,
44 33 subsection 2, is amended to read as follows:
44 34 2. State inspection shall not apply within the
44 35 jurisdiction of any political subdivision which, pursuant to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

45 1 section 103.29, provides by resolution or ordinance standards
45 2 of electrical wiring and its installation that are not less
45 3 stringent than those prescribed by the board or by this
45 4 chapter and which further provides by resolution or ordinance
45 5 for the inspection of electrical installations within the
45 6 limits of such subdivision by a certified electrical
45 7 inspector. A copy of the certificate of each electrical
45 8 inspector shall be provided to the board by the political
45 9 subdivision issuing the certificate.

45 10 Sec. 98. Section 103.25, as enacted by 2007 Iowa Acts,
45 11 chapter 197, section 35, is amended to read as follows:

45 12 103.25 REQUEST FOR INSPECTION == FEES.

45 13 At or before commencement of any installation required to
45 14 be inspected by the board, the licensee or property owner
45 15 making such installation shall submit to the state fire
45 16 marshal's office a request for inspection. The board shall
45 17 prescribe the methods by which the request may be submitted,
45 18 which may include electronic submission or through a form
45 19 prescribed by the board that can be submitted either through
45 20 the mail or by a fax transmission. The board shall also
45 21 prescribe methods by which inspection fees can be paid, which
45 22 may include electronic methods of payment. If the board or
45 23 the state fire marshal's office becomes aware that a person
45 24 has failed to file a necessary request for inspection, the
45 25 board or the state fire marshal's office shall send a written
45 26 notification by certified mail that the request must ~~by~~ be
45 27 filed within fourteen days. Any person filing a late request
45 28 for inspection shall pay a delinquency fee in an amount to be
45 29 determined by the board. ~~Failure~~ A person who fails to file a
45 30 late request within fourteen days shall be subject to a civil
45 31 penalty to be determined by the board by rule.

45 32 Sec. 99. Section 103.26, as enacted by 2007 Iowa Acts,
45 33 chapter 197, section 36, is amended to read as follows:

45 34 103.26 CONDEMNATION == DISCONNECTION == OPPORTUNITY TO
45 35 CORRECT NONCOMPLIANCE.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

46 1 If the inspector finds that any installation or portion of
46 2 an installation is not in compliance with accepted standards
46 3 of construction for health safety ~~to health~~ and property
46 4 safety, based upon minimum standards set forth in the local
46 5 electrical code or the national electrical code adopted by the
46 6 board pursuant to section 103.6, the inspector shall by
46 7 written order condemn the installation or noncomplying portion
46 8 or order service to such installation disconnected and shall
46 9 send a copy of such order to the board, the state fire
46 10 marshal, and the electrical utility supplying power involved.
46 11 If the installation or the noncomplying portion is such as to
46 12 seriously and proximately endanger human health or property,
46 13 the order of the inspector when approved by the inspector's
46 14 superior shall require immediate condemnation and
46 15 disconnection by the applicant. In all other cases, the order
46 16 of the inspector shall establish a reasonable period of time
46 17 for the installation to be brought into compliance with
46 18 accepted standards of construction for health safety ~~to health~~
46 19 and property safety prior to the effective date established in
46 20 such order for condemnation or disconnection.

46 21 Sec. 100. 2007 Iowa Acts, chapter 197, section 38,
46 22 subsection 2, is amended to read as follows:

46 23 2. If the electrical inspector determines that an
46 24 electrical installation subject to inspection by the board is
46 25 not in compliance with accepted standards of construction for
46 26 health safety ~~to health~~ and property safety, based upon
46 27 minimum standards adopted by the board pursuant to this
46 28 chapter, the inspector shall issue a correction order. A
46 29 correction order made pursuant to this section shall be served
46 30 personally or by United States mail only upon the licensee
46 31 making the installation. The correction order shall order the
46 32 licensee to make the installation comply with the standards,
46 33 noting specifically what changes are required. The order
46 34 shall specify a date, not more than seventeen calendar days
46 35 from the date of the order, when a new inspection shall be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

47 1 made. When the installation is brought into compliance to the
47 2 satisfaction of the inspector, the inspector shall file with
47 3 the electrical utility supplying power a certificate stating
47 4 that the electrical inspector has approved energization.

47 5 Sec. 101. 2007 Iowa Acts, chapter 197, section 41,
47 6 subsection 4, is amended to read as follows:

47 7 4. Except when an inspection reveals that an installation
47 8 or portion of an installation is not in compliance with
47 9 accepted standards of construction for health safety to health
47 10 and property safety, based upon minimum standards set forth in
47 11 the local electrical code or the national electrical code
47 12 adopted by the board pursuant to section 103.6, such that an
47 13 order of condemnation or disconnection is warranted pursuant
47 14 to section 103.26, an inspector shall not add to, modify, or
47 15 amend a construction plan as originally approved by the state
47 16 fire marshal in the course of conducting an inspection.

47 17 Sec. 102. 2007 Iowa Acts, chapter 197, section 42,
47 18 subsection 3, is amended to read as follows:

47 19 3. When an inspection is requested by ~~an~~ a property owner,
47 20 the minimum fee shall be thirty dollars plus five dollars per
47 21 branch circuit or feeder. The fee for fire and accident
47 22 inspections shall be computed at the rate of forty-seven
47 23 dollars per hour, and mileage and other expenses shall be
47 24 reimbursed as provided by the office of the state fire
47 25 marshal.

47 26 Sec. 103. 2007 Iowa Acts, chapter 197, section 43,
47 27 subsection 1, is amended to read as follows:

47 28 1. Any person aggrieved by a condemnation or disconnection
47 29 order issued by the state fire marshal's office may appeal
47 30 from the order by filing a written notice of appeal with the
47 31 board within ten days after the date the order was served upon
47 32 the property owner or within ten days after the order was
47 33 filed with the board, whichever is later.

47 34 Sec. 104. Section 104C.2, subsection 8, as enacted by 2007
47 35 Iowa Acts, chapter 198, section 2, is amended to read as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

48 1 follows:

48 2 8. "Hydronic" means a heating or cooling system that
48 3 transfers heating or cooling by circulating fluid through a
48 4 closed system, including boilers, pressure vessels,
48 5 refrigerated equipment in connection with chilled water
48 6 systems, all steam piping, hot or chilled water piping
48 7 together with all control devices and accessories, installed
48 8 as part of, or in connection with, any comfort heating or
48 9 comfort cooling system or appliance using a liquid, water, or
48 10 steam as the heating or cooling media. "Hydronic" includes
48 11 all low-pressure and high-pressure systems.

48 12 Sec. 105. 2007 Iowa Acts, chapter 198, section 10,
48 13 subsection 3, is amended to read as follows:

48 14 3. The board may allow a two-year delay in implementing
48 15 the licensure requirements for contractors who employ ~~less~~
48 16 fewer than ten mechanical professionals.

48 17 Sec. 106. 2007 Iowa Acts, chapter 198, section 11,
48 18 subsection 1, is amended to read as follows:

48 19 1. Apply to a person licensed as an engineer pursuant to
48 20 chapter 542B, registered as an architect pursuant to chapter
48 21 544A, or licensed as a landscape architect pursuant to chapter
48 22 544B who provides consultations or develops plans or other
48 23 work concerning plumbing, HVAC, refrigeration, or hydronic
48 24 work and who is exclusively engaged in the practice of the
48 25 person's profession.

48 26 Sec. 107. 2007 Iowa Acts, chapter 198, section 18,
48 27 subsection 2, paragraph c, subparagraph (3), is amended to
48 28 read as follows:

48 29 (3) Provide evidence to the examining board that the
48 30 person has previously been a licensed journeyman in the
48 31 applicable discipline or satisfies all requirements ~~required~~
~~48 32 to be licensed for licensure~~ as a journeyman in the
48 33 applicable discipline.

48 34 Sec. 108. Sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2,
48 35 322.2, 329.1, 428.28, 428.29, 433.12, 438.1, 438.2, 438.3,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

49 1 453A.1, 455B.131, 476.44, 484B.4, 536.4, 536.5, 536.19,
49 2 536A.17, 543B.31, 589.8, 589.24, 624.27, 624.28, 727.2, and
49 3 730.2, Code 2007, are amended by striking the word
49 4 "copartnership" and inserting the word "partnership".
49 5 Sec. 109. Sections 322.4 and 322.7, Code Supplement 2007,
49 6 are amended by striking the word "copartnership" and inserting
49 7 the word "partnership".
49 8 Sec. 110. Sections 214A.2B, 258.16, 260C.40, and 282.7,
49 9 Code 2007, are amended by striking the words "merged area
49 10 school" and "merged area schools" inserting the words
49 11 "community college" and "community colleges".

49 12 DIVISION II

49 13 VOLUME I RENUMBERING

49 14 Sec. 111. Section 1.18, Code 2007, is amended to read as
49 15 follows:

49 16 1.18 IOWA ENGLISH LANGUAGE REAFFIRMATION.

49 17 1. The general assembly of the state of Iowa finds and
49 18 declares the following:

49 19 a. The state of Iowa is comprised of individuals from
49 20 different ethnic, cultural, and linguistic backgrounds. The
49 21 state of Iowa encourages the assimilation of Iowans into
49 22 Iowa's rich culture.

49 23 b. Throughout the history of Iowa and of the United
49 24 States, the common thread binding individuals of differing
49 25 backgrounds together has been the English language.

49 26 c. Among the powers reserved to each state is the power to
49 27 establish the English language as the official language of the
49 28 state, and otherwise to promote the English language within
49 29 the state, subject to the prohibitions enumerated in the
49 30 Constitution of the United States and in laws of the state.

49 31 2. In order to encourage every citizen of this state to
49 32 become more proficient in the English language, thereby
49 33 facilitating participation in the economic, political, and
49 34 cultural activities of this state and of the United States,
49 35 the English language is hereby declared to be the official



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

50 1 language of the state of Iowa.
50 2 3. Except as otherwise provided for in subsections 4 5 and
50 3 ~~5~~ 6, the English language shall be the language of government
50 4 in Iowa. All official documents, regulations, orders,
50 5 transactions, proceedings, programs, meetings, publications,
50 6 or actions taken or issued, which are conducted or regulated
50 7 by, or on behalf of, or representing the state and all of its
50 8 political subdivisions shall be in the English language.
50 9 4. For the purposes of this section, "official action"
50 10 means any action taken by the government in Iowa or by an
50 11 authorized officer or agent of the government in Iowa that
50 12 does any of the following:
50 13 a. Binds the government.
50 14 b. Is required by law.
50 15 c. Is otherwise subject to scrutiny by either the press or
50 16 the public.
50 17 ~~4~~ 5. This section shall not apply to:
50 18 a. The teaching of languages.
50 19 b. Requirements under the federal Individuals with
50 20 Disabilities Education Act.
50 21 c. Actions, documents, or policies necessary for trade,
50 22 tourism, or commerce.
50 23 d. Actions or documents that protect the public health and
50 24 safety.
50 25 e. Actions or documents that facilitate activities
50 26 pertaining to compiling any census of populations.
50 27 f. Actions or documents that protect the rights of victims
50 28 of crimes or criminal defendants.
50 29 g. Use of proper names, terms of art, or phrases from
50 30 languages other than English.
50 31 h. Any language usage required by or necessary to secure
50 32 the rights guaranteed by the Constitution and laws of the
50 33 United States of America or the Constitution of the State of
50 34 Iowa.
50 35 i. Any oral or written communications, examinations, or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

51 1 publications produced or utilized by a driver's license
51 2 station, provided public safety is not jeopardized.
51 3 ~~5.~~ 6. Nothing in this section shall be construed to do
51 4 any of the following:
51 5 a. Prohibit an individual member of the general assembly
51 6 or officer of state government, while performing official
51 7 business, from communicating through any medium with another
51 8 person in a language other than English, if that member or
51 9 officer deems it necessary or desirable to do so.
51 10 b. Limit the preservation or use of Native American
51 11 languages, as defined in the federal Native American Languages
51 12 Act of 1992.
51 13 c. Disparage any language other than English or discourage
51 14 any person from learning or using a language other than
51 15 English.
51 16 Sec. 112. Section 2.10, subsection 4, Code 2007, is
51 17 amended to read as follows:
51 18 4. a. The director of the department of administrative
51 19 services shall pay the travel and expenses of the members of
51 20 the general assembly commencing with the first pay period
51 21 after the names of such persons are officially certified. The
51 22 salaries of the members of the general assembly shall be paid
51 23 pursuant to any of the following alternative methods:
51 24 ~~a.~~ (1) During each month of the year at the same time
51 25 state employees are paid.
51 26 ~~b.~~ (2) During each pay period during the first six months
51 27 of each calendar year.
51 28 ~~c.~~ (3) During the first six months of each calendar year
51 29 by allocating two-thirds of the annual salary to the pay
51 30 periods during those six months and one-third of the annual
51 31 salary to the pay periods during the second six months of a
51 32 calendar year.
51 33 b. Each member of the general assembly shall file with the
51 34 director of the department of administrative services a
51 35 statement as to the method the member selects for receiving



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

52 1 payment of salary. The presiding officers of the two houses
52 2 of the general assembly shall jointly certify to the director
52 3 of the department of administrative services the names of the
52 4 members, officers, and employees of their respective houses
52 5 and the salaries and mileage to which each is entitled.
52 6 Travel and expense allowances shall be paid upon the
52 7 submission of vouchers to the director of the department of
52 8 administrative services indicating a claim for the same.

52 9 Sec. 113. Section 2.15, Code 2007, is amended to read as
52 10 follows:

52 11 2.15 POWERS AND DUTIES OF STANDING COMMITTEES.

52 12 1. The powers and duties of standing committees shall
52 13 include, but shall not be limited to, the following:

52 14 ~~1.~~ a. Introducing legislative bills and resolutions.

52 15 ~~2.~~ b. Conducting investigations with the approval of
52 16 either or both houses during the session, or the legislative
52 17 council during the interim, with authority to call witnesses,
52 18 administer oaths, issue subpoenas, and cite for contempt.

52 19 ~~3.~~ c. Requiring reports and information from state
52 20 agencies as well as the full ~~co-operation~~ cooperation of their
52 21 personnel.

52 22 ~~4.~~ d. Selecting nonlegislative members when conducting
52 23 studies as provided in section 2.14.

52 24 ~~5.~~ e. Undertaking in-depth studies of governmental
52 25 matters within their assigned jurisdiction, not only for the
52 26 purpose of evaluating proposed legislation, but also for
52 27 studying existing laws and governmental operations and
52 28 functions to determine their usefulness and effectiveness, as
52 29 provided in section 2.14.

52 30 ~~6.~~ f. Reviewing the operations of state agencies and
52 31 departments.

52 32 ~~7.~~ g. Giving thorough consideration to, establishing
52 33 priorities for, and making recommendations on all bills
52 34 assigned to committees.

52 35 ~~8.~~ h. Preparing reports to be made available to members



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

53 1 of the general assembly containing the committee's findings,
53 2 recommendations, and proposed legislation.
53 3 2. A standing committee may call upon any department,
53 4 agency or office of the state, or any political subdivision of
53 5 the state, for information and assistance as needed in the
53 6 performance of its duties and the information and assistance
53 7 shall be furnished to the extent that they are within the
53 8 resources and authority of the department, agency, office or
53 9 political subdivision. This ~~paragraph~~ subsection does not
53 10 require the production or opening of any records which are
53 11 required by law to be kept private or confidential.
53 12 Sec. 114. Section 7K.1, subsection 3, Code 2007, is
53 13 amended to read as follows:
53 14 3. MEMBERSHIP.
53 15 a. The board of directors of the foundation shall consist
53 16 of fifteen members serving staggered three-year terms
53 17 beginning on May 1 of the year of appointment who shall be
53 18 appointed as follows:
53 19 ~~a-~~ (1) Five members shall be appointed by the governor as
53 20 follows:
53 21 ~~(1)~~ (a) A school district superintendent from a school
53 22 district with enrollment of one thousand one hundred
53 23 forty-nine or fewer pupils.
53 24 ~~(2)~~ (b) An individual representing an Iowa business
53 25 employing more than two hundred fifty employees.
53 26 ~~(3)~~ (c) A community college president.
53 27 ~~(4)~~ (d) An individual representing labor and workforce
53 28 interests.
53 29 ~~(5)~~ (e) An individual representing an Iowa agriculture
53 30 association.
53 31 ~~b-~~ (2) Five members shall be appointed by the speaker of
53 32 the house of representatives as follows:
53 33 ~~(1)~~ (a) An individual representing the area education
53 34 agencies.
53 35 ~~(2)~~ (b) The president of an accredited private



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

54 1 institution as defined in section 261.9.
54 2 ~~(3)~~ (c) An individual representing an Iowa business
54 3 employing more than fifty employees but not more than two
54 4 hundred fifty employees.
54 5 ~~(4)~~ (d) An individual representing urban economic
54 6 development interests.
54 7 ~~(5)~~ (e) An individual from an association representing
54 8 Iowa businesses.
54 9 ~~e.~~ (3) Five members shall be appointed by the president
54 10 of the senate as follows:
54 11 ~~(1)~~ (a) A school district superintendent from a school
54 12 district with an enrollment of more than one thousand one
54 13 hundred forty-nine pupils.
54 14 ~~(2)~~ (b) A president of an institution of higher education
54 15 under the control of the state board of regents.
54 16 ~~(3)~~ (c) An individual representing an Iowa business
54 17 employing fifty or fewer employees.
54 18 ~~(4)~~ (d) An individual representing rural economic
54 19 development interests.
54 20 ~~(5)~~ (e) An individual representing a business that
54 21 established itself in Iowa on or after July 1, 1999.
54 22 b. Members, except as provided in paragraph ~~"e"~~ "a",
54 23 subparagraph ~~(2)~~ (3), subparagraph subdivision (c), shall not
54 24 be employed by the state. One co-chairperson shall be
54 25 appointed by the speaker of the house of representatives and
54 26 one co-chairperson shall be appointed by the president of the
54 27 senate.
54 28 Sec. 115. Section 8A.204, subsection 1, paragraph a,
54 29 unnumbered paragraphs 1 and 2, Code Supplement 2007, are
54 30 amended to read as follows:
54 31 "Agency" means a participating agency as defined in section
54 32 8A.201. In addition, the following definitions shall also
54 33 apply:
54 34 ~~In addition, the following definitions shall also apply:~~
54 35 Sec. 116. Section 8A.502, subsection 14, Code 2007, is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

55 1 amended to read as follows:

55 2 14. FEDERAL CASH MANAGEMENT AND IMPROVEMENT ACT
55 3 ADMINISTRATOR.

55 4 a. To serve as administrator for state actions relating to
55 5 the federal Cash Management and Improvement Act of 1990, Pub.
55 6 L. No. 101=453, as codified in 31 U.S.C. } 6503. The director
55 7 shall perform the following duties relating to the federal
55 8 law:

55 9 ~~a.~~ (1) Act as the designated representative of the state
55 10 in the negotiation and administration of contracts between the
55 11 state and federal government relating to the federal law.

55 12 ~~b.~~ (2) Modify the centralized statewide accounting system
55 13 and develop, or require to be developed by the appropriate
55 14 departments of state government, the reports and procedures
55 15 necessary to complete the managerial and financial reports
55 16 required to comply with the federal law.

55 17 b. There is annually appropriated from the general fund of
55 18 the state to the department an amount sufficient to pay
55 19 interest costs that may be due the federal government as a
55 20 result of implementation of the federal law. This paragraph
55 21 does not authorize the payment of interest from the general
55 22 fund of the state for any departmental revolving, trust, or
55 23 special fund where monthly interest earnings accrue to the
55 24 credit of the departmental revolving, trust, or special fund.
55 25 For any departmental revolving, trust, or special fund where
55 26 monthly interest is accrued to the credit of the fund, the
55 27 director may authorize a supplemental expenditure to pay
55 28 interest costs from the individual fund which are due the
55 29 federal government as a result of implementation of the
55 30 federal law.

55 31 Sec. 117. Section 9D.3, subsection 2, Code 2007, is
55 32 amended to read as follows:

55 33 2. a. The bond shall be payable to the state for the use
55 34 and benefit of either:

55 35 ~~a.~~ (1) A person who is injured by the fraud,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

56 1 misrepresentation, or financial failure of the travel agency
56 2 or a travel agent employed by the travel agency.
56 3 ~~b.~~ (2) The state on behalf of a person or persons under
56 4 ~~paragraph "a"~~ subparagraph (1).
56 5 b. The bond shall be conditioned such that the registrant
56 6 will pay any judgment recovered by a person in a court of this
56 7 state in a suit for actual damages, including reasonable
56 8 attorney's fees, or for rescission, resulting from a cause of
56 9 action involving the sale or offer of sale of travel services.
56 10 The bond shall be open to successive claims, but the aggregate
56 11 amount of the claims paid shall not exceed the principal
56 12 amount of the bond.
56 13 Sec. 118. Section 9H.4, Code 2007, is amended to read as
56 14 follows:
56 15 9H.4 RESTRICTION ON INCREASE OF HOLDINGS == EXCEPTIONS ==
56 16 PENALTY.
56 17 1. A corporation, limited liability company, or trust,
56 18 other than a family farm corporation, authorized farm
56 19 corporation, family farm limited liability company, authorized
56 20 limited liability company, family trust, authorized trust,
56 21 revocable trust, or testamentary trust shall not, either
56 22 directly or indirectly, acquire or otherwise obtain or lease
56 23 any agricultural land in this state. However, the
56 24 restrictions provided in this section shall not apply to the
56 25 following:
56 26 ~~1-~~ a. A bona fide encumbrance taken for purposes of
56 27 security.
56 28 ~~2-~~ b. Agricultural land acquired for research or
56 29 experimental purposes. Agricultural land is used for research
56 30 or experimental purposes if any of the following apply:
56 31 ~~a-~~ (1) Research and experimental activities are
56 32 undertaken on the agricultural land and commercial sales of
56 33 products produced from farming the agricultural land do not
56 34 occur or are incidental to the research or experimental
56 35 purposes of the corporation or limited liability company.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

57 1 Commercial sales are incidental to the research or
57 2 experimental purposes of the corporation or limited liability
57 3 company when such sales are less than twenty-five percent of
57 4 the gross sales of the primary product of the research.
57 5 ~~b.~~ (2) The agricultural land is used for the primary
57 6 purpose of testing, developing, or producing seeds or plants
57 7 for sale or resale to farmers as seed stock. Grain which is
57 8 not sold as seed stock is an incidental sale and must be less
57 9 than twenty-five percent of the gross sales of the primary
57 10 product of the research and experimental activities.
57 11 ~~e.~~ (3) (a) The agricultural land is used by a
57 12 corporation or limited liability company, including any trade
57 13 or business which is under common control, as provided in 26
57 14 U.S.C. } 414 for the primary purpose of testing, developing,
57 15 or producing animals for sale or resale to farmers as breeding
57 16 stock. However, after July 1, 1989, to qualify under this
57 17 ~~paragraph subparagraph subdivision~~, the following conditions
57 18 must be satisfied:
57 19 ~~(1)~~ (i) The corporation or limited liability company must
57 20 not hold the agricultural land other than as a lessee. The
57 21 term of the lease must be for not more than twelve years. The
57 22 corporation or limited liability company shall not renew a
57 23 lease. The corporation or limited liability company shall not
57 24 enter into a lease under this ~~paragraph subparagraph~~
57 25 subdivision part, if the corporation or limited liability
57 26 company has ever entered into another lease under this
57 27 ~~paragraph "c" subparagraph (3)~~, whether or not the lease is in
57 28 effect. However, this subparagraph does not apply to a
57 29 domestic corporation organized under chapter 504, Code 1989,
57 30 or current chapter 504.
57 31 ~~(2)~~ (ii) A term or condition of sale, including resale,
57 32 of breeding stock must not relate to the direct or indirect
57 33 control by the corporation or limited liability company of the
57 34 breeding stock or breeding stock progeny subsequent to the
57 35 sale.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

58 1 ~~(3)~~ (iii) The number of acres of agricultural land held
58 2 by the corporation or limited liability company must not
58 3 exceed six hundred forty acres.
58 4 ~~(4)~~ (iv) The corporation or limited liability company
58 5 must deliver a copy of the lease to the secretary of state.
58 6 The secretary of state shall notify the lessee of receipt of
58 7 the copy of the lease. However, this subparagraph subdivision
58 8 does not apply to a domestic corporation organized under
58 9 chapter 504, Code 1989, or current chapter 504.
58 10 (b) Culls and test animals may be sold under this
58 11 ~~paragraph "c"~~ subparagraph (3). For a three-year period
58 12 beginning on the date that the corporation or limited
58 13 liability company acquires an interest in the agricultural
58 14 land, the gross sales for any year shall not be greater than
58 15 five hundred thousand dollars. After the three-year period
58 16 ends, the gross sales for any year shall not be greater than
58 17 twenty-five percent of the gross sales for that year of the
58 18 breeding stock, or five hundred thousand dollars, whichever is
58 19 less.
58 20 ~~3.~~ c. Agricultural land, including leasehold interests,
58 21 acquired by a nonprofit corporation organized under the
58 22 provisions of chapter 504, Code 1989, and current chapter 504
58 23 including land acquired and operated by or for a state
58 24 university for research, experimental, demonstration,
58 25 foundation seed increase or test purposes and land acquired
58 26 and operated by or for nonprofit corporations organized
58 27 specifically for research, experimental, demonstration,
58 28 foundation seed increase or test purposes in support of or in
58 29 conjunction with a state university.
58 30 ~~4.~~ d. Agricultural land acquired by a corporation or
58 31 limited liability company for immediate or potential use in
58 32 nonfarming purposes.
58 33 ~~5.~~ e. Agricultural land acquired by a corporation or
58 34 limited liability company by process of law in the collection
58 35 of debts, or pursuant to a contract for deed executed prior to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

59 1 August 15, 1975, or by any procedure for the enforcement of a
59 2 lien or claim thereon, whether created by mortgage or
59 3 otherwise.
59 4 ~~6.~~ f. A municipal corporation.
59 5 ~~7.~~ g. Agricultural land which is acquired by a trust
59 6 company or bank in a fiduciary capacity or as trustee for a
59 7 family trust, authorized trust or testamentary trust or for
59 8 nonprofit corporations.
59 9 ~~8.~~ h. A corporation or its subsidiary organized under
59 10 chapter 490 or a limited liability company organized under
59 11 chapter 490A and to which section 312.8 is applicable.
59 12 ~~9.~~ i. Agricultural land held or leased by a corporation
59 13 on July 1, 1975, as long as the corporation holding or leasing
59 14 the land on this date continues to hold or lease such
59 15 agricultural land.
59 16 ~~10.~~ j. Agricultural land held or leased by a trust on
59 17 July 1, 1977, as long as the trust holding or leasing such
59 18 land on this date continues to hold or lease such agricultural
59 19 land.
59 20 ~~11.~~ k. Agricultural land acquired by a trust for
59 21 immediate use in nonfarming purposes.
59 22 2. A corporation, limited liability company, or trust,
59 23 other than a family farm corporation, authorized farm
59 24 corporation, family farm limited liability company, authorized
59 25 limited liability company, family trust, authorized trust,
59 26 revocable trust, or testamentary trust, violating this section
59 27 shall be assessed a civil penalty of not more than twenty-five
59 28 thousand dollars and shall divest itself of any land held in
59 29 violation of this section within one year after judgment. The
59 30 courts of this state may prevent and restrain violations of
59 31 this section through the issuance of an injunction. The
59 32 attorney general or a county attorney shall institute suits on
59 33 behalf of the state to prevent and restrain violations of this
59 34 section.
59 35 Sec. 119. Section 11.4, Code 2007, is amended to read as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

60 1 follows:

60 2 11.4 REPORT OF AUDITS.

60 3 1. The auditor of state shall make or cause to be made and
60 4 filed and kept in the auditor's office written reports of all
60 5 audits and examinations, which reports shall set out in detail
60 6 the following:

60 7 ~~1.~~ a. The actual condition of such department found to
60 8 exist on every examination.

60 9 ~~2.~~ b. Whether, in the auditor's opinion,

60 10 ~~a.~~ (1) All funds have been expended for the purpose for
60 11 which appropriated.

60 12 ~~b.~~ (2) The department so audited and examined is
60 13 efficiently conducted, and if the maximum results for the
60 14 money expended are obtained.

60 15 ~~c.~~ (3) The work of the departments so audited or examined
60 16 needlessly conflicts with or duplicates the work done by any
60 17 other department.

60 18 ~~3.~~ c. All illegal or unbusinesslike practices.

60 19 ~~4.~~ d. Any recommendations for greater simplicity,
60 20 accuracy, efficiency, or economy in the operation of the
60 21 business of the several departments and institutions.

60 22 ~~5.~~ e. Comparisons of prices paid and terms obtained by
60 23 the various departments for goods and services of like
60 24 character and reasons for differences therein, if any.

60 25 ~~6.~~ f. Any other information which, in the auditor's
60 26 judgment, may be of value to the auditor.

60 27 2. All such reports shall be filed and kept in the
60 28 auditor's office.

60 29 3. The state auditor is hereby authorized to obtain,
60 30 maintain, and operate, under the auditor's exclusive control
60 31 such machinery as may be necessary to print confidential
60 32 reports and documents originating in the auditor's office.

60 33 Sec. 120. Section 11.6, subsection 1, paragraph a, Code
60 34 2007, is amended to read as follows:

60 35 a. (1) The financial condition and transactions of all



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

61 1 cities and city offices, counties, county hospitals organized
61 2 under chapters 347 and 347A, memorial hospitals organized
61 3 under chapter 37, entities organized under chapter 28E having
61 4 gross receipts in excess of one hundred thousand dollars in a
61 5 fiscal year, merged areas, area education agencies, and all
61 6 school offices in school districts, shall be examined at least
61 7 once each year, except that cities having a population of
61 8 seven hundred or more but less than two thousand shall be
61 9 examined at least once every four years, and cities having a
61 10 population of less than seven hundred may be examined as
61 11 otherwise provided in this section. The examination shall
61 12 cover the fiscal year next preceding the year in which the
61 13 audit is conducted. The examination of school offices shall
61 14 include an audit of all school funds, the certified annual
61 15 financial report, the certified enrollment as provided in
61 16 section 257.6, and the revenues and expenditures of any
61 17 nonprofit school organization established pursuant to section
61 18 279.62. Differences in certified enrollment shall be reported
61 19 to the department of management. The examination of a city
61 20 that owns or operates a municipal utility providing local
61 21 exchange services pursuant to chapter 476 shall include an
61 22 audit of the city's compliance with section 388.10. The
61 23 examination of a city that owns or operates a municipal
61 24 utility providing telecommunications services pursuant to
61 25 section 388.10 shall include an audit of the city's compliance
61 26 with section 388.10.

61 27 (2) Subject to the exceptions and requirements of
61 28 subsection 2 and subsection 4, paragraph ~~"e"~~ "a", subparagraph
61 29 (3), examinations shall be made as determined by the
61 30 governmental subdivision either by the auditor of state or by
61 31 certified public accountants, certified in the state of Iowa,
61 32 and they shall be paid from the proper public funds of the
61 33 governmental subdivision.

61 34 Sec. 121. Section 11.6, subsection 1, paragraph b,
61 35 subparagraph (2), Code 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

62 1 (2) (a) As part of its audit, the governmental
62 2 subdivision is responsible for obtaining and providing to the
62 3 person performing the audit the audited financial statements
62 4 and related report on internal control structure of outside
62 5 persons, performing any of the following during the period
62 6 under audit for the governmental subdivision:
62 7 ~~(a)~~ (i) Investing public funds.
62 8 ~~(b)~~ (ii) Advising on the investment of public funds.
62 9 ~~(c)~~ (iii) Directing the deposit or investment of public
62 10 funds.
62 11 ~~(d)~~ (iv) Acting in a fiduciary capacity for the
62 12 governmental subdivision.
62 13 (b) The audit under this section shall not be certified
62 14 until all material information required by this subparagraph
62 15 is reviewed by the person performing the audit.
62 16 Sec. 122. Section 11.6, subsection 4, Code 2007, is
62 17 amended to read as follows:
62 18 4. a. In addition to the powers and duties under other
62 19 provisions of the Code, the auditor of state may at any time
62 20 cause to be made a complete or partial reaudit of the
62 21 financial condition and transactions of any city, county,
62 22 county hospital, memorial hospital, entity organized under
62 23 chapter 28E, merged area, area education agency, school
62 24 corporation, township, or other governmental subdivision, or
62 25 an office of any of these, if one of the following conditions
62 26 exists:
62 27 ~~a-~~ (1) The auditor of state has probable cause to believe
62 28 such action is necessary in the public interest because of a
62 29 material deficiency in an audit of the governmental
62 30 subdivision filed with the auditor of state or because of a
62 31 substantial failure of the audit to comply with the standards
62 32 and procedures established and published by the auditor of
62 33 state.
62 34 ~~b-~~ (2) The auditor of state receives from an elected
62 35 official or employee of the governmental subdivision a written



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

63 1 request for a complete or partial reaudit of the governmental
63 2 subdivision.
63 3 ~~e.~~ (3) The auditor of state receives a petition signed by
63 4 at least fifty eligible electors of the governmental
63 5 subdivision requesting a complete or partial reaudit of the
63 6 governmental subdivision. If the governmental subdivision has
63 7 not contracted with or employed a certified public accountant
63 8 to perform an audit of the fiscal year in which the petition
63 9 is received by the auditor of state, the auditor of state may
63 10 perform an audit required by subsection 1 or 3.
63 11 b. The state audit shall be paid from the proper public
63 12 funds available in the office of the auditor of state. In the
63 13 event the audited governmental subdivision recovers damages
63 14 from a person performing a previous audit due to negligent
63 15 performance of that audit or breach of the audit contract, the
63 16 auditor of state shall be entitled to reimbursement on an
63 17 equitable basis for funds expended from any recovery made by
63 18 the governmental subdivision.
63 19 c. An examination under this subsection shall include a
63 20 determination of whether investments by the governmental
63 21 subdivision are authorized by state law.
63 22 Sec. 123. Section 13.2, Code 2007, is amended to read as
63 23 follows:
63 24 13.2 DUTIES.
63 25 1. It shall be the duty of the attorney general, except as
63 26 otherwise provided by law to:
63 27 ~~1-~~ a. Prosecute and defend all causes in the appellate
63 28 courts in which the state is a party or interested.
63 29 ~~2-~~ b. Prosecute and defend in any other court or
63 30 tribunal, all actions and proceedings, civil or criminal, in
63 31 which the state may be a party or interested, when, in the
63 32 attorney general's judgment, the interest of the state
63 33 requires such action, or when requested to do so by the
63 34 governor, executive council, or general assembly.
63 35 ~~3-~~ c. Prosecute and defend all actions and proceedings



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

64 1 brought by or against any state officer in the officer's
64 2 official capacity.
64 3 ~~4.~~ d. Prosecute and defend all actions and proceedings
64 4 brought by or against any employee of a judicial district
64 5 department of correctional services in the performance of an
64 6 assessment of risk pursuant to chapter 692A.
64 7 ~~5.~~ e. Give an opinion in writing, when requested, upon
64 8 all questions of law submitted by the general assembly or by
64 9 either house thereof, or by any state officer, elective or
64 10 appointive. Questions submitted by state officers must be of a
64 11 public nature and relate to the duties of such officer.
64 12 ~~6.~~ f. Prepare drafts for contracts, forms, and other
64 13 writings which may be required for the use of the state.
64 14 ~~7.~~ g. Report to the governor, at the time provided by
64 15 law, the condition of the attorney general's office, opinions
64 16 rendered, and business transacted of public interest.
64 17 ~~8.~~ h. Supervise county attorneys in all matters
64 18 pertaining to the duties of their offices, and from time to
64 19 time to require of them reports as to the condition of public
64 20 business entrusted to their charge.
64 21 ~~9.~~ i. Promptly account, to the treasurer of state, for
64 22 all state funds received by the attorney general.
64 23 ~~10.~~ j. Keep in proper books a record of all official
64 24 opinions, and a register of all actions, prosecuted and
64 25 defended by the attorney general, and of all proceedings had
64 26 in relation thereto, which books shall be delivered to the
64 27 attorney general's successor.
64 28 ~~11.~~ k. Perform all other duties required by law.
64 29 ~~12.~~ l. Inform prosecuting attorneys and assistant
64 30 prosecuting attorneys to the state of all changes in law and
64 31 matters pertaining to their office and establish programs for
64 32 the continuing education of prosecuting attorneys and
64 33 assistant prosecuting attorneys. The attorney general may
64 34 accept funds, grants and gifts from any public or private
64 35 source which shall be used to defray the expenses incident to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

65 1 implementing duties under this ~~subsection~~ paragraph.
65 2 ~~13.~~ m. Establish and administer, in cooperation with the
65 3 law schools of Drake university and the state university of
65 4 Iowa, a prosecutor intern program incorporating the essential
65 5 elements of the pilot program denominated "law student intern
65 6 program in prosecutors' office" funded by the Iowa crime
65 7 commission and participating counties. The attorney general
65 8 shall consult with an advisory committee including
65 9 representatives of each participating law school and the Iowa
65 10 county attorneys association, inc. concerning development,
65 11 administration, and critique of this program. The attorney
65 12 general shall report on the program's operation annually to
65 13 the general assembly and the supreme court.
65 14 ~~14.~~ n. Develop written procedures and policies to be
65 15 followed by prosecuting attorneys in the prosecution of
65 16 domestic abuse cases under chapters 236 and 708.
65 17 2. Executing the duties of this section shall not be
65 18 deemed a violation of section 68B.6.
65 19 Sec. 124. Section 15.313, subsection 1, Code 2007, is
65 20 amended to read as follows:
65 21 1. a. An Iowa strategic investment fund is created as a
65 22 revolving fund consisting of any money appropriated by the
65 23 general assembly for that purpose and any other moneys
65 24 available to and obtained or accepted by the department from
65 25 the federal government or private sources for placement in the
65 26 fund. The fund shall also include all of the following:
65 27 ~~a.~~ (1) All unencumbered and unobligated funds from the
65 28 special community economic betterment program fund created
65 29 under 1990 Iowa Acts, chapter 1262, section 1, subsection 18,
65 30 remaining on June 30, 1992, all repayments of loans or other
65 31 awards made under the community economic betterment account or
65 32 under the community economic betterment program during any
65 33 fiscal year beginning on or after July 1, 1985, and recaptures
65 34 of awards.
65 35 ~~b.~~ (2) All unencumbered and unobligated funds from the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

66 1 targeted small business financial assistance program, the
66 2 financing rural economic development or successor loan
66 3 program, and the value-added agricultural products and
66 4 processes financial assistance fund remaining on June 30,
66 5 1992, and all repayments of loans or other awards or
66 6 recaptures of awards made under these programs.

66 7 b. Notwithstanding section 8.33, moneys in the strategic
66 8 investment fund at the end of each fiscal year shall not
66 9 revert to any other fund but shall remain in the strategic
66 10 investment fund for expenditure for subsequent fiscal years.

66 11 Sec. 125. Section 15.331A, Code 2007, is amended to read
66 12 as follows:

66 13 15.331A SALES AND USE TAX REFUND.

66 14 1. The eligible business shall be entitled to a refund of
66 15 the sales and use taxes paid under chapter 423 for gas,
66 16 electricity, water, or sewer utility services, goods, wares,
66 17 or merchandise, or on services rendered, furnished, or
66 18 performed to or for a contractor or subcontractor and used in
66 19 the fulfillment of a written contract relating to the
66 20 construction or equipping of a facility of the eligible
66 21 business. Taxes attributable to intangible property and
66 22 furniture and furnishings shall not be refunded. However, an
66 23 eligible business shall be entitled to a refund for taxes
66 24 attributable to racks, shelving, and conveyor equipment to be
66 25 used in a warehouse or distribution center subject to section
66 26 15.331C.

66 27 2. To receive the refund a claim shall be filed by the
66 28 eligible business with the department of revenue as follows:

66 29 ~~1.~~ a. The contractor or subcontractor shall state under
66 30 oath, on forms provided by the department, the amount of the
66 31 sales of goods, wares, or merchandise or services rendered,
66 32 furnished, or performed including water, sewer, gas, and
66 33 electric utility services upon which sales or use tax has been
66 34 paid prior to the project completion, and shall file the forms
66 35 with the eligible business before final settlement is made.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

67 1 ~~2.~~ b. The eligible business shall, not more than one year
67 2 after project completion, make application to the department
67 3 for any refund of the amount of the sales and use taxes paid
67 4 pursuant to chapter 423 upon any goods, wares, or merchandise,
67 5 or services rendered, furnished, or performed, including
67 6 water, sewer, gas, and electric utility services. The
67 7 application shall be made in the manner and upon forms to be
67 8 provided by the department, and the department shall audit the
67 9 claim and, if approved, issue a warrant to the eligible
67 10 business in the amount of the sales or use tax which has been
67 11 paid to the state of Iowa under a contract. A claim filed by
67 12 the eligible business in accordance with this section shall
67 13 not be denied by reason of a limitation provision set forth in
67 14 chapter 421 or 423.

67 15 3. A contractor or subcontractor who willfully makes a
67 16 false report of tax paid under the provisions of this section
67 17 is guilty of a simple misdemeanor and in addition is liable
67 18 for the payment of the tax and any applicable penalty and
67 19 interest.

67 20 Sec. 126. Section 15A.1, subsection 1, Code 2007, is
67 21 amended to read as follows:

67 22 1. a. Economic development is a public purpose for which
67 23 the state, a city, or a county may provide grants, loans,
67 24 guarantees, tax incentives, and other financial assistance to
67 25 or for the benefit of private persons.

67 26 b. For purposes of this chapter, "economic development"
67 27 means private or joint public and private investment involving
67 28 the creation of new jobs and income or the retention of
67 29 existing jobs and income that would otherwise be lost.

67 30 Sec. 127. Section 15A.2, Code 2007, is amended to read as
67 31 follows:

67 32 15A.2 CONFLICTS OF INTEREST.

67 33 1. a. If a member of the governing body of a city or
67 34 county or an employee of a state, city, or county board,
67 35 agency, commission, or other governmental entity of the state,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

68 1 city, or county has an interest, either direct or indirect, in
68 2 a private person for which grants, loans, guarantees, tax
68 3 incentives, or other financial assistance may be provided by
68 4 the governing board or governmental entity, the interest shall
68 5 be disclosed to that governing body or governmental entity in
68 6 writing. The member or employee having the interest shall not
68 7 participate in the decision-making process with regard to the
68 8 providing of such financial assistance to the private person.

68 9 b. Employment by a public body, its agencies, or
68 10 institutions or by any other person having such an interest
68 11 shall not be deemed an indicia of an interest by the employee
68 12 or of any ownership or control by the employee of interests of
68 13 the employee's employer.

68 14 c. The word "participate" or "participation" shall be
68 15 deemed not to include discussion or debate preliminary to a
68 16 vote of a local governing body or agency upon proposed
68 17 ordinances or resolutions relating to such a project or any
68 18 abstention from such a vote.

68 19 d. The designation of a bank or trust company as
68 20 depository, paying agent, or agent for investment of funds
68 21 shall not be deemed a matter of interest or personal interest.

68 22 e. Stock ownership in a corporation having such an
68 23 interest shall not be deemed an indicia of an interest or of
68 24 ownership or control by the person owning the stocks when less
68 25 than five percent of the outstanding stock of the corporation
68 26 is owned or controlled directly or indirectly by that person.

68 27 f. The phrase "decision-making process" shall not be
68 28 deemed to include resolutions advisory to the local governing
68 29 body or agency by any citizens group, board, body, or
68 30 commission designated to serve a purely advisory approving or
68 31 recommending function for economic development.

68 32 2. A violation of a provision of this section is
68 33 misconduct in office under section 721.2. However, a decision
68 34 of the governing board or governmental entity is not invalid
68 35 because of the participation of the member or employee in the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

69 1 decision-making process or because of a vote cast by a member
69 2 or employee in violation of this section unless the
69 3 participation or vote was decisive in the awarding of the
69 4 financial assistance.
69 5 Sec. 128. Section 15A.9, subsection 8, paragraphs a, b,
69 6 and e, Code Supplement 2007, are amended to read as follows:
69 7 a. (1) The credit equals the sum of the following:
69 8 ~~(1)~~ (a) Thirteen percent of the excess of qualified
69 9 research expenses during the tax year over the base amount for
69 10 the tax year based upon the state's apportioned share of the
69 11 qualifying expenditures for increasing research activities.
69 12 ~~(2)~~ (b) Thirteen percent of the basic research payments
69 13 determined under section 41(e)(1)(A) of the Internal Revenue
69 14 Code during the tax year based upon the state's apportioned
69 15 share of the qualifying expenditures for increasing research
69 16 activities.
69 17 (2) The state's apportioned share of the qualifying
69 18 expenditures for increasing research activities is a percent
69 19 equal to the ratio of qualified research expenditures in this
69 20 state within the zone to total qualified research
69 21 expenditures.
69 22 b. In lieu of the credit amount computed in paragraph "a",
69 23 subparagraph (1), subparagraph subdivision (a), a business may
69 24 elect to compute the credit amount for qualified research
69 25 expenses incurred in this state within the zone in a manner
69 26 consistent with the alternative incremental credit described
69 27 in section 41(c)(4) of the Internal Revenue Code. The
69 28 taxpayer may make this election regardless of the method used
69 29 for the taxpayer's federal income tax. The election made
69 30 under this paragraph is for the tax year and the taxpayer may
69 31 use another or the same method for any subsequent year.
69 32 e. (1) For the purposes of this subsection, "base
69 33 amount", "basic research payment", and "qualified research
69 34 expense" mean the same as defined for the federal credit for
69 35 increasing research activities under section 41 of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

70 1 Internal Revenue Code, except that for the alternative
70 2 incremental credit such amounts are for research conducted
70 3 within this state within the zone.
70 4 (2) For purposes of this subsection, "Internal Revenue
70 5 Code" means the Internal Revenue Code in effect on January 1,
70 6 2007.
70 7 Sec. 129. Section 15F.204, subsection 8, paragraph b, Code
70 8 2007, is amended to read as follows:
70 9 b. There is appropriated from the franchise tax revenues
70 10 deposited in the general fund of the state to the community
70 11 attraction and tourism fund, the following amounts:
70 12 (1) For the fiscal year beginning July 1, 2005, and ending
70 13 June 30, 2006, the sum of seven million dollars.
70 14 (2) For the fiscal year beginning July 1, 2006, and ending
70 15 June 30, 2007, the sum of seven million dollars.
70 16 (3) For the fiscal year beginning July 1, 2007, and ending
70 17 June 30, 2008, the sum of seven million dollars.
70 18 (4) For the fiscal year beginning July 1, 2008, and ending
70 19 June 30, 2009, the sum of seven million dollars.
70 20 (5) For the fiscal year beginning July 1, 2009, and ending
70 21 June 30, 2010, the sum of seven million dollars.
70 22 9. Notwithstanding the allocation requirements in
70 23 subsection 5, the board may make a multiyear commitment to an
70 24 applicant of up to four million dollars in any one fiscal
70 25 year.
70 26 Sec. 130. Section 15G.203, subsection 7, Code Supplement
70 27 2007, is amended to read as follows:
70 28 7. a. An award of financial incentives to a participating
70 29 person shall be in the form of a grant.
70 30 b. In order to participate in the program an eligible
70 31 person must execute a cost-share agreement with the department
70 32 as approved by the infrastructure board in which the person
70 33 contributes a percentage of the total costs related to
70 34 improving the retail motor fuel site.
70 35 ~~a.~~ (1) Except as provided in ~~paragraph "b"~~ subparagraph



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

71 1 (2), a participating person may be awarded standard financial
71 2 incentives. The standard financial incentives awarded to the
71 3 participating person shall not exceed fifty percent of the
71 4 actual cost of making the improvement or thirty thousand
71 5 dollars, whichever is less. The infrastructure board may
71 6 approve multiple awards to make improvements to a retail motor
71 7 fuel site so long as the total amount of the awards does not
71 8 exceed the limitations provided in this ~~paragraph~~
71 9 subparagraph.

71 10 ~~b.~~ (2) In addition to any standard financial incentives
71 11 awarded to a participating person under ~~paragraph "a"~~
71 12 subparagraph (1), the participating person may be awarded
71 13 supplemental financial incentives to upgrade or replace a
71 14 dispenser which is part of gasoline storage and dispensing
71 15 infrastructure used to store and dispense E=85 gasoline as
71 16 provided in section 455G.31. The person is only eligible to
71 17 receive the supplemental financial incentives if the person
71 18 installed the dispenser not later than sixty days after the
71 19 date of the publication in the Iowa administrative bulletin of
71 20 the state fire marshal's order providing that a commercially
71 21 available dispenser is listed as compatible for use with E=85
71 22 gasoline by an independent testing laboratory as provided in
71 23 section 455G.31. The supplemental financial incentives
71 24 awarded to the participating person shall not exceed
71 25 seventy=five percent of the actual cost of making the
71 26 improvement or thirty thousand dollars, whichever is less.

71 27 Sec. 131. Section 15I.2, subsection 1, Code Supplement
71 28 2007, is amended to read as follows:

71 29 1. ~~a.~~ Any nonretail, nonservice business may claim a tax
71 30 credit equal to a percentage of the annual wages and benefits
71 31 paid for a qualified new job created by the location or
71 32 expansion of the business in the state.

71 33 a. (1) The tax credit shall be allowed against taxes
71 34 imposed under chapter 422, division II, III, or V, and chapter
71 35 432 and against the moneys and credits tax imposed in section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

72 1 533.329. The percentage shall be equal to the amount provided
72 2 in subsection 2.

72 3 (2) Any credit in excess of the tax liability shall be
72 4 refunded. In lieu of claiming a refund, a taxpayer may elect
72 5 to have the overpayment shown on the taxpayer's final,
72 6 completed return credited to the tax liability for the
72 7 following taxable year.

72 8 b. If the business is a partnership, S corporation,
72 9 limited liability company, or estate or trust electing to have
72 10 the income taxed directly to the individual, an individual may
72 11 claim the tax credit allowed. The amount claimed by the
72 12 individual shall be based upon the pro rata share of the
72 13 individual's earnings of the partnership, S corporation,
72 14 limited liability company, or estate or trust.

72 15 Sec. 132. Section 16.28, subsection 2, Code 2007, is
72 16 amended to read as follows:

72 17 2. a. The authority or any trustee appointed under the
72 18 indenture under which the bonds are issued may, and upon
72 19 written request of the holders of twenty=five percent in
72 20 aggregate principal amount of the issue of bonds or notes then
72 21 outstanding shall:

72 22 ~~a.~~ (1) Enforce all rights of the bondholders or
72 23 noteholders, including the right to require the authority to
72 24 carry out its agreements with the holders and to perform its
72 25 duties under this chapter.

72 26 ~~b.~~ (2) Bring suit upon the bonds or notes.

72 27 ~~c.~~ (3) By action require the authority to account as if
72 28 it were the trustee of an express trust for the holders.

72 29 ~~d.~~ (4) By action enjoin any acts or things which are
72 30 unlawful or in violation of the rights of the holders.

72 31 ~~e.~~ (5) Declare all the bonds or notes due and payable and
72 32 if all defaults are made good then with the consent of the
72 33 holders of twenty=five percent of the aggregate principal
72 34 amount of the issue of bonds or notes then outstanding, annul
72 35 the declaration and its consequences.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

73 1 b. The bondholders or noteholders, to the extent provided
73 2 in the resolution by which the bonds or notes were issued or
73 3 in their agreement with the authority, may enforce any of the
73 4 remedies in ~~paragraphs~~ paragraph "a" to "e", subparagraphs (1)
73 5 to (5) or the remedies provided in those agreements for and on
73 6 their own behalf.

73 7 Sec. 133. Section 16.52, subsections 2 and 3, Code 2007,
73 8 are amended to read as follows:

73 9 2. The authority shall adopt rules and allocation
73 10 procedures which will ensure the maximum use of available tax
73 11 credits in order to encourage development of low-income
73 12 housing in the state. The authority shall consider the
73 13 following factors in the adoption and application of the
73 14 allocation rules:

73 15 a. Timeliness of the application.

73 16 b. Location of the proposed housing project.

73 17 c. Relative need in the proposed area for low-income
73 18 housing.

73 19 d. Availability of low-income housing in the proposed
73 20 area.

73 21 e. Economic feasibility of the proposed project.

73 22 f. Ability of the applicant to proceed to completion of
73 23 the project in the calendar year for which the credit is
73 24 sought.

73 25 3. a. The authority shall adopt rules specifying the
73 26 application procedure and the allowance of low-income housing
73 27 credits under the state housing credit ceiling.

73 28 ~~3.~~ b. The authority shall not allow more than ninety
73 29 percent of the low-income housing credits under the state
73 30 housing credit ceiling to projects other than qualified
73 31 low-income housing projects as defined in Internal Revenue
73 32 Code } 42(h)(5)(B).

73 33 Sec. 134. Section 16.91, subsection 5, Code Supplement
73 34 2007, is amended to read as follows:

73 35 5. The participation of abstractors and attorneys shall be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

74 1 in accordance with rules established by the division and
74 2 adopted by the authority pursuant to chapter 17A.
74 3 a. (1) Each participant shall at all times maintain
74 4 liability coverage in amounts approved by the division. Upon
74 5 payment of a claim by the division, the division shall be
74 6 subrogated to the rights of the claimant against all persons
74 7 relating to the claim.
74 8 (2) Additionally, each participating abstractor is
74 9 required to own or lease, and maintain and use in the
74 10 preparation of abstracts, an up-to-date abstract title plant
74 11 including tract indices for real estate for each county in
74 12 which abstracts are prepared for real property titles
74 13 guaranteed by the division. The tract indices shall contain a
74 14 reference to all instruments affecting the real estate which
74 15 are recorded in the office of the county recorder, and shall
74 16 commence not less than forty years prior to the date the
74 17 abstractor commences participation in the title guaranty
74 18 program. However, a participating attorney providing abstract
74 19 services continuously from November 12, 1986, to the date of
74 20 application, either personally or through persons under the
74 21 attorney's supervision and control is exempt from the
74 22 requirements of this ~~paragraph~~ subparagraph.
74 23 b. The division may waive the requirements of this
74 24 subsection pursuant to an application of an attorney or
74 25 abstractor which shows that the requirements impose a hardship
74 26 to the attorney or abstractor and that the waiver clearly is
74 27 in the public interest or is absolutely necessary to ensure
74 28 availability of title guaranties throughout the state.
74 29 Sec. 135. Section 16.100, subsection 2, paragraph c, Code
74 30 2007, is amended to read as follows:
74 31 c. (1) A home ownership incentive program to help lower
74 32 income and very low income families achieve single family home
74 33 ownership. Funds provided under this program shall not be
74 34 restricted to first-time home buyers but shall be limited to
74 35 mortgages under fifty-five thousand dollars, except in those



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

75 1 areas of the state where the median price of homes exceeds the
75 2 state average. The assistance provided shall include at least
75 3 one of the following kinds of assistance:

75 4 ~~(1)~~ (a) Closing costs assistance.

75 5 ~~(2)~~ (b) Down payment assistance.

75 6 ~~(3)~~ (c) Home maintenance and repair assistance.

75 7 ~~(4)~~ (d) Loan processing assistance through a loan

75 8 endorser review contractor who acts on behalf of the authority

75 9 in assisting lenders in processing loans that will qualify for

75 10 government insurance or guarantee or for financing under the

75 11 authority's mortgage revenue bond program.

75 12 ~~(5)~~ (e) Mortgage insurance program.

75 13 (2) Five percent of the moneys expended under this program

75 14 shall be used to finance the purchase or acquisition, in

75 15 communities with a population of less than ten thousand, of

75 16 manufactured homes as defined in 42 U.S.C. } 5403. Moneys

75 17 available for this purpose which are unencumbered or

75 18 unobligated at the end of the fiscal year shall revert to the

75 19 housing improvement fund for reallocation for the next fiscal

75 20 year.

75 21 (3) Not more than fifty percent of the assistance provided

75 22 under this program shall be provided under ~~subparagraphs (4)~~

75 23 subparagraph (1), subparagraph subdivisions (d) and ~~(5)~~ (e).

75 24 So long as at least one of the kinds of assistance described

75 25 in ~~subparagraphs~~ subparagraph (1), subparagraph subdivisions

75 26 (a) through ~~(5)~~ (e) is provided, additional assistance not

75 27 described in ~~subparagraphs~~ subparagraph (1), subparagraph

75 28 subdivisions (a) through ~~(5)~~ (e) may also be provided.

75 29 Sec. 136. Section 16A.10, subsection 2, Code 2007, is

75 30 amended to read as follows:

75 31 2. a. The authority or any trustee appointed under the

75 32 indenture under which the obligations are issued may, and upon

75 33 written request of the holders of twenty-five percent in

75 34 aggregate principal amount of the issue of obligations then

75 35 outstanding shall:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

76 1 ~~a.~~ (1) Enforce all rights of the holders of the
76 2 obligations, including the right to require the authority to
76 3 carry out its agreements with the holders and to perform its
76 4 duties under this chapter.
76 5 ~~b.~~ (2) Bring suit upon the obligations.
76 6 ~~c.~~ (3) By action require the authority to account as if
76 7 it were the trustee of an express trust for the holders.
76 8 ~~d.~~ (4) By action enjoin any acts or things which are
76 9 unlawful or in violation of the rights of the holders.
76 10 ~~e.~~ (5) Declare all the obligations due and payable and if
76 11 all defaults are made good then with the consent of the
76 12 holders of twenty-five percent of the aggregate principal
76 13 amount of the issue of obligations then outstanding, annul the
76 14 declaration and its consequences.
76 15 b. The holders of obligations, to the extent provided in
76 16 the resolution by which the obligations were issued or in
76 17 their agreement with the authority, may enforce any of the
76 18 remedies in ~~paragraphs~~ paragraph "a", subparagraphs (1) to "e"
76 19 (5) or the remedies provided in those agreements for and on
76 20 their own behalf.
76 21 Sec. 137. Section 17A.1, subsection 2, Code 2007, is
76 22 amended to read as follows:
76 23 2. This chapter is intended to provide a minimum
76 24 procedural code for the operation of all state agencies when
76 25 they take action affecting the rights and duties of the
76 26 public. Nothing in this chapter is meant to discourage
76 27 agencies from adopting procedures providing greater
76 28 protections to the public or conferring additional rights upon
76 29 the public; and save for express provisions of this chapter to
76 30 the contrary, nothing in this chapter is meant to abrogate in
76 31 whole or in part any statute prescribing procedural duties for
76 32 an agency which are greater than or in addition to those
76 33 provided here. This chapter is meant to apply to all
76 34 rulemaking and contested case proceedings and all suits for
76 35 the judicial review of agency action that are not specifically



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

77 1 excluded from this chapter or some portion thereof by its
77 2 express terms or by the express terms of another chapter.
77 3 3. The purposes of this chapter are: To provide
77 4 legislative oversight of powers and duties delegated to
77 5 administrative agencies; to increase public accountability of
77 6 administrative agencies; to simplify government by assuring a
77 7 uniform minimum procedure to which all agencies will be held
77 8 in the conduct of their most important functions; to increase
77 9 public access to governmental information; to increase public
77 10 participation in the formulation of administrative rules; to
77 11 increase the fairness of agencies in their conduct of
77 12 contested case proceedings; and to simplify the process of
77 13 judicial review of agency action as well as increase its ease
77 14 and availability.

77 15 4. In accomplishing its objectives, the intention of this
77 16 chapter is to strike a fair balance between these purposes and
77 17 the need for efficient, economical and effective government
77 18 administration. The chapter is not meant to alter the
77 19 substantive rights of any person or agency. Its impact is
77 20 limited to procedural rights with the expectation that better
77 21 substantive results will be achieved in the everyday conduct
77 22 of state government by improving the process by which those
77 23 results are attained.

77 24 Sec. 138. Section 17A.7, subsection 2, Code 2007, is
77 25 amended to read as follows:

77 26 2. a. Any interested person, association, agency, or
77 27 political subdivision may submit a written request to the
77 28 administrative rules coordinator for an agency to conduct a
77 29 formal review of a specified rule of that agency to determine
77 30 whether the rule should be repealed or amended or a new rule
77 31 adopted instead. The administrative rules coordinator shall
77 32 determine whether the request is reasonable and does not place
77 33 an unreasonable burden upon the agency.

77 34 b. If the agency has not conducted such a review of the
77 35 specified rule within a period of five years prior to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

78 1 filing of the written request, and upon a determination by the
78 2 administrative rules coordinator that the request is
78 3 reasonable and does not place an unreasonable burden upon the
78 4 agency, the agency shall prepare within a reasonable time a
78 5 written report with respect to the rule summarizing the
78 6 agency's findings, its supporting reasons, and any proposed
78 7 course of action. The report must include, for the specified
78 8 rule, a concise statement of all of the following:

78 9 ~~a.~~ (1) The rule's effectiveness in achieving its
78 10 objectives, including a summary of any available data
78 11 supporting the conclusions reached.

78 12 ~~b.~~ (2) Written criticisms of the rule received during the
78 13 previous five years, including a summary of any petitions for
78 14 waiver of the rule tendered to the agency or granted by the
78 15 agency.

78 16 ~~c.~~ (3) Alternative solutions regarding the subject matter
78 17 of the criticisms and the reasons they were rejected or the
78 18 changes made in the rule in response to those criticisms and
78 19 the reasons for the changes.

78 20 c. A copy of the report shall be sent to the
78 21 administrative rules review committee and the administrative
78 22 rules coordinator and shall be made available for public
78 23 inspection.

78 24 Sec. 139. Section 23A.2, subsection 10, paragraph 1,
78 25 subparagraph (2), subparagraph subdivision (c), Code 2007, is
78 26 amended to read as follows:

78 27 (c) A resident who cannot be placed in a community
78 28 placement plan with a community-based provider of services may
78 29 be placed by the state resource center in an on-campus or
78 30 off-campus vocational or employment training program.

78 31 (i) However, prior to placing a resident in an on-campus
78 32 vocational or employment training program, the state resource
78 33 center shall seek an off-campus vocational or employment
78 34 training program offered by a community-based provider who
78 35 serves the county in which the state resource center is based



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

79 1 or the counties contiguous to the county, provided that the
79 2 resident will not be required to travel for more than thirty
79 3 minutes one way to obtain services.

79 4 (ii) If off-campus services cannot be provided by a
79 5 community-based provider, the state resource center shall
79 6 offer the resident an on-campus vocational or employment
79 7 training program. The on-campus program shall be operated in
79 8 compliance with the federal Fair Labor Standards Act. At
79 9 least semiannually, the state resource center shall seek an
79 10 off-campus community-based vocational or employment training
79 11 option for each resident placed in an on-campus program.

79 12 (iii) The state resource center shall not place a resident
79 13 in an off-campus program in which the cost to the state
79 14 resource center would be in excess of the provider's actual
79 15 cost as determined by purchase of service rules or if the
79 16 service would not be reimbursed under the medical assistance
79 17 program.

79 18 Sec. 140. Section 24.48, Code 2007, is amended to read as
79 19 follows:

79 20 24.48 APPEAL TO STATE BOARD FOR SUSPENSION OF LIMITATIONS.

79 21 1. If the property tax valuations effective January 1,
79 22 1979 and January 1 of any subsequent year, are reduced or
79 23 there is an unusually low growth rate in the property tax base
79 24 of a political subdivision, the political subdivision may
79 25 appeal to the state appeal board to request suspension of the
79 26 statutory property tax levy limitations to continue to fund
79 27 the present services provided. A political subdivision may
79 28 also appeal to the state appeal board where the property tax
79 29 base of the political subdivision has been reduced or there is
79 30 an unusually low growth rate for any of the following reasons:

79 31 ~~1.~~ a. Any unusual increase in population as determined by
79 32 the preceding certified federal census.

79 33 ~~2.~~ b. Natural disasters or other emergencies.

79 34 ~~3.~~ c. Unusual problems relating to major new functions
79 35 required by state law.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

80 1 ~~4.~~ d. Unusual staffing problems.
80 2 ~~5.~~ e. Unusual need for additional funds to permit
80 3 continuance of a program which provides substantial benefit to
80 4 its residents.
80 5 ~~6.~~ f. Unusual need for a new program which will provide
80 6 substantial benefit to residents, if the political subdivision
80 7 establishes the need and the amount of the necessary increased
80 8 cost.
80 9 2. The state appeal board may approve or modify the
80 10 request of the political subdivision for suspension of the
80 11 statutory property tax levy limitations.
80 12 3. Upon decision of the state appeal board, the department
80 13 of management shall make the necessary changes in the total
80 14 budget of the political subdivision and certify the total
80 15 budget to the governing body of the political subdivision and
80 16 the appropriate county auditors.
80 17 4. a. The city finance committee shall have officially
80 18 notified any city of its approval, modification or rejection
80 19 of the city's appeal of the decision of the director of the
80 20 department of management regarding a city's request for a
80 21 suspension of the statutory property tax levy limitation prior
80 22 to thirty=five days before March 15.
80 23 b. The state appeals board shall have officially notified
80 24 any county of its approval, modification or rejection of the
80 25 county's request for a suspension of the statutory property
80 26 tax levy limitation prior to thirty=five days before March 15.
80 27 5. a. For purposes of this section only, "political
80 28 subdivision" means a city, school district, or any other
80 29 special purpose district which certifies its budget to the
80 30 county auditor and derives funds from a property tax levied
80 31 against taxable property situated within the political
80 32 subdivision.
80 33 b. For the purpose of this section, when the political
80 34 subdivision is a city, the director of the department of
80 35 management, and the city finance committee on appeal of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

81 1 director's decision, shall be the state appeal board.
81 2 Sec. 141. Section 28A.18, subsections 1, 2, and 4, Code
81 3 2007, are amended to read as follows:
81 4 1. a. The bonds issued by the board pursuant to this
81 5 division shall be authorized by resolution of the board and
81 6 shall be either term or serial bonds, shall bear the date,
81 7 mature at the time, not exceeding forty years from their
81 8 respective dates, bear interest at the rate, not exceeding the
81 9 rate permitted under chapter 74A or the rate authorized by
81 10 another state within the greater metropolitan area, whichever
81 11 rate is lower, payable monthly or semiannually, be in the
81 12 denominations, be in the form, either coupon or fully
81 13 registered, shall carry the registration, exchangeability and
81 14 interchangeability privileges, be payable in the medium of
81 15 payment and at the place, within or without the state, be
81 16 subject to the terms of redemption and be entitled to the
81 17 priorities on the revenues, rates, fees, rentals, or other
81 18 charges or receipts of the authority as the resolution may
81 19 provide. The bonds shall be executed either by manual or
81 20 facsimile signature by the officers as the authority shall
81 21 determine, provided that the bonds shall bear at least one
81 22 signature which is manually executed on the bond, and the
81 23 coupons attached to the bonds shall bear the facsimile
81 24 signature of the officer as designated by the authority and
81 25 the bonds shall have the seal of the authority, affixed,
81 26 imprinted, reproduced, or lithographed on the bond, all as may
81 27 be prescribed in a resolution.
81 28 b. The bonds shall be sold at public sale or private sale
81 29 at the price as the authority shall determine to be in the
81 30 best interests of the authority provided that the bonds shall
81 31 not be sold at less than ninety-eight percent of the par value
81 32 of the bond, plus accrued interest and provided that the net
81 33 interest cost shall not exceed that permitted by applicable
81 34 state law. Pending the preparation of definitive bonds,
81 35 interim certificates or temporary bonds may be issued to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

82 1 purchaser of the bonds, and may contain the terms and
82 2 conditions as the board may determine.

82 3 2. a. The board, after the issuance of bonds, may borrow
82 4 moneys for the purposes for which the bonds are to be issued
82 5 in anticipation of the receipt of the proceeds of the sale of
82 6 the bonds and within the authorized maximum amount of the bond
82 7 issue. Any loan shall be paid within three years after the
82 8 date of the initial loan. Bond anticipation notes shall be
82 9 issued for all moneys so borrowed under this section, and the
82 10 notes may be renewed, but all the renewal notes shall mature
82 11 within the time above limited for the payment of the initial
82 12 loan. The notes shall be authorized by resolution of the
82 13 board and shall be in the denominations, shall bear interest
82 14 at the rate not exceeding the maximum rate permitted by the
82 15 resolution authorizing the issuance of the bonds, shall be in
82 16 the form and shall be executed in the manner, all as the
82 17 authority prescribes.

82 18 b. The notes shall be sold at public or private sale or,
82 19 if the notes are renewal notes, they may be exchanged for
82 20 notes outstanding on the terms as the board determines. The
82 21 board may retire any notes from the revenues derived from its
82 22 metropolitan facilities or from other moneys of the authority
82 23 which are lawfully available or from a combination of revenues
82 24 and other available moneys, in lieu of retiring them by means
82 25 of bond proceeds. However, before the retirement of the notes
82 26 by any means other than the issuance of bonds, the board shall
82 27 amend or repeal the resolution authorizing the issuance of the
82 28 bonds, in anticipation of the proceeds of the sale of the
82 29 notes, so as to reduce the authorized amount of the bond issue
82 30 by the amount of the notes so retired. The amendatory or
82 31 repealing resolution shall take effect upon its passage.

82 32 4. The board of the authority may enter into any deeds of
82 33 trust, mortgages, indentures, or other agreements, with any
82 34 bank or trust company or any other lender within or without
82 35 the state as security for the bonds, and may assign and pledge



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

83 1 all or any of the revenues, rates, fees, rentals, or other
83 2 charges or receipts of the authority. The deeds of trust,
83 3 mortgages, indentures, or other agreements may contain the
83 4 provisions as may be customary in the instruments, or, as the
83 5 board may authorize, including, but without limitation,
83 6 provisions as to:
83 7 a. The construction, improvement, operation, leasing,
83 8 maintenance, and repair of the metropolitan facilities and
83 9 duties of the board with reference to the facilities.
83 10 b. The application of funds and the safeguarding and
83 11 investment of funds on hand or on deposit.
83 12 c. The appointment of consulting engineers or architects
83 13 and approval by the holders of the bonds.
83 14 d. The rights and remedies of the trustee and the holders
83 15 of the bonds.
83 16 e. The terms and provisions of the bonds or the resolution
83 17 authorizing the issuance of the bonds.
83 18 5. Any of the bonds issued pursuant to this section are
83 19 negotiable instruments, and have all the qualities and
83 20 incidents of negotiable instruments and are exempt from state
83 21 taxation.
83 22 Sec. 142. Section 28E.17, subsection 3, Code 2007, is
83 23 amended to read as follows:
83 24 3. a. A city which is a party to a joint transit agency
83 25 may issue general corporate purpose bonds for the support of a
83 26 capital program for the joint agency in the following manner:
83 27 ~~a.~~ (1) The council shall give notice and conduct a
83 28 hearing on the proposal in the manner set forth in section
83 29 384.25. However, the notice must be published at least ten
83 30 days prior to the hearing, and if a petition valid under
83 31 section 362.4 is filed with the clerk of the city prior to the
83 32 hearing, asking that the question of issuing the bonds be
83 33 submitted to the registered voters of the city, the council
83 34 shall either by resolution declare the proposal abandoned or
83 35 shall direct the county commissioner of elections to call a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

84 1 special election to vote upon the question of issuing the
84 2 bonds. Notice of the election and its conduct shall be in the
84 3 manner provided in section 384.26.
84 4 ~~b.~~ (2) If no petition is filed, or if a petition is filed
84 5 and the proposition of issuing bonds is approved at the
84 6 election, the council may proceed with the authorization and
84 7 issuance of the bonds.
84 8 b. An agreement may provide for full or partial payment
84 9 from transit revenues to the cities for meeting debt service
84 10 on such bonds.
84 11 c. This subsection shall be construed as granting
84 12 additional power without limiting the power already existing
84 13 in cities, and as providing an alternative independent method
84 14 for the carrying out of any project for the issuance and sale
84 15 of bonds for the financing of a city's share of a capital
84 16 expenditures project of a joint transit agency, and no further
84 17 proceedings with respect to the authorization of the bonds
84 18 shall be required.
84 19 Sec. 143. Section 28E.22, Code 2007, is amended to read as
84 20 follows:
84 21 28E.22 REFERENDUM FOR TAX.
84 22 1. The board of supervisors, or the city councils of a
84 23 district composed only of cities, may, and upon receipt of a
84 24 petition signed by eligible electors residing in the district
84 25 equal in number to at least five percent of the registered
84 26 voters in the district shall, submit a proposition to the
84 27 electorate residing in the district at any general election or
84 28 at a special election held throughout the district. The
84 29 proposition shall provide for the establishment of a public
84 30 safety fund and the levy of a tax on taxable property located
84 31 in the district at rates not exceeding the rates specified in
84 32 this section for the purpose of providing additional moneys
84 33 for the operation of the district.
84 34 2. The ballot for the election shall be prepared in
84 35 substantially the form for submitting special questions at



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

85 1 general elections and the form of the proposition shall be
85 2 substantially as follows:

85 3 ~~shall~~ "Shall an annual levy, the amount of which will not
85 4 exceed a rate of one dollar and fifty cents per thousand
85 5 dollars of assessed value of the taxable property in the
85 6 unified law enforcement district be authorized for providing
85 7 additional moneys needed for unified law enforcement services
85 8 in the district?

85 9 Yes No "

85 10 3. If a majority of the registered voters in each city and
85 11 the unincorporated area of the county voting on the
85 12 proposition approve the proposition, the county board of
85 13 supervisors for unincorporated area and city councils for
85 14 cities are authorized to levy the tax as provided in section
85 15 28E.23.

85 16 4. Such moneys collected pursuant to the tax levy shall be
85 17 expended only for providing additional moneys needed for
85 18 unified law enforcement services in the district and shall be
85 19 in addition to the revenues raised in the county and cities in
85 20 the district from their general funds which are based upon an
85 21 average of revenues raised for law enforcement purposes by the
85 22 county or city for the three previous years. The amount of
85 23 revenues raised for law enforcement purposes by the county for
85 24 the three previous years shall be computed separately for the
85 25 unincorporated portion of the district and for each city in
85 26 the district.

85 27 Sec. 144. Section 29B.117, Code 2007, is amended to read
85 28 as follows:

85 29 29B.117 COURTS OF INQUIRY.

85 30 1. a. Courts of inquiry to investigate any matter may be
85 31 convened by the adjutant general, the governor, or by any
85 32 other person designated by the adjutant general or authorized
85 33 to convene a general court-martial for that purpose, whether
85 34 or not the persons involved have requested the inquiry.

85 35 b. A court of inquiry consists of three or more



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

86 1 commissioned officers. For each court of inquiry the
86 2 convening authority shall also appoint counsel for the court.
86 3 2. Any person subject to this code whose conduct is
86 4 subject to inquiry shall be designated as a party. Any person
86 5 subject to this code who has a direct interest in the subject
86 6 of inquiry has the right to be designated as a party upon
86 7 request to the court. Any person designated as a party shall
86 8 be given due notice and has the right to be present, to be
86 9 represented by counsel, to cross-examine witnesses, and to
86 10 introduce evidence.

86 11 3. a. Members of a court of inquiry may be challenged by
86 12 a party, but only for cause stated to the court.

86 13 b. The members, counsel, the reporter, and interpreters of
86 14 courts of inquiry shall take an oath or affirmation to
86 15 faithfully perform their duties.

86 16 c. Witnesses may be summoned to appear and testify and be
86 17 examined before courts of inquiry, as provided for
86 18 courts-martial.

86 19 d. Courts of inquiry shall make findings of fact but may
86 20 not express opinions or make recommendations unless required
86 21 to do so by the convening authority.

86 22 e. Each court of inquiry shall keep a record of its
86 23 proceedings, which shall be authenticated by the signatures of
86 24 the president and counsel for the court and forwarded to the
86 25 convening authority. If the record cannot be authenticated by
86 26 the president, it shall be signed by a member in lieu of the
86 27 president. If the record cannot be authenticated by the
86 28 counsel for the court, it shall be signed by a member in lieu
86 29 of the counsel.

86 30 Sec. 145. Section 34A.3, subsection 3, Code 2007, is
86 31 amended to read as follows:

86 32 3. CHAPTER 28E AGREEMENT == ALTERNATIVE TO JOINT E911
86 33 SERVICE BOARD.

86 34 a. A legal entity created pursuant to chapter 28E by a
86 35 county or counties, other political divisions, and public or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

87 1 private agencies to jointly plan, implement, and operate a
87 2 countywide, or larger, enhanced 911 service system may be
87 3 substituted for the joint E911 service board required under
87 4 subsection 1. An alternative legal entity created pursuant to
87 5 chapter 28E as a substitute for a joint E911 service board, as
87 6 permitted by this subsection, may be created by either:

~~87 7 An alternative legal entity created pursuant to chapter 28E~~
~~87 8 as a substitute for a joint E911 service board, as permitted~~
~~87 9 by this subsection, may be created by either:~~

87 10 ~~a.~~ (1) Agreement of the parties entitled to voting
87 11 membership on a joint E911 service board.

87 12 ~~b.~~ (2) Agreement of the members of a joint E911 service
87 13 board.

87 14 b. An alternative chapter 28E entity has all of the powers
87 15 of a joint E911 service board and any additional powers
87 16 granted by the agreement. As used in this chapter, "joint
87 17 E911 service board" includes an alternative chapter 28E entity
87 18 created for that purpose, except as specifically limited by
87 19 the chapter 28E agreement or unless clearly provided otherwise
87 20 in this chapter. A chapter 28E agreement related to E911
87 21 service shall permit the participation of a private safety
87 22 agency or other persons allowed to participate in a joint E911
87 23 service board, but the terms, scope, and conditions of
87 24 participation are subject to the chapter 28E agreement.

87 25 Sec. 146. Section 34A.6, subsections 1 and 2, Code 2007,
87 26 are amended to read as follows:

87 27 1. Before a joint E911 service board may request
87 28 imposition of the surcharge by the program manager, the board
87 29 shall submit the following question to voters, as provided in
87 30 subsection 2, in the proposed E911 service area, and the
87 31 question shall receive a favorable vote from a simple majority
87 32 of persons submitting valid ballots on the following question
87 33 within the proposed E911 service area:

87 34 shall "Shall the following public	YES
87 35 measure be adopted?	NO



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

88 1 Enhanced 911 emergency telephone service shall be funded,
88 2 in whole or in part, by a monthly surcharge of (an amount
88 3 determined by the local joint E911 service board of up to one
88 4 dollar) on each telephone access line collected as part of
88 5 each telephone subscriber's monthly phone bill if provided
88 6 within (description of the proposed E911 service area)."

88 7 2. The referendum required as a condition of the surcharge
88 8 imposition in subsection 1 shall be conducted using the
88 9 following electoral mechanism:

88 10 a. At the request of the joint E911 service board a county
88 11 commissioner of elections shall include the question on the
88 12 next eligible general election ballot in each electoral
88 13 precinct to be served, in whole or in part, by the proposed
88 14 E911 service area, provided the request is timely submitted to
88 15 permit inclusion.

88 16 b. The question may be included in the next election in
88 17 which all of the voters in the proposed E911 service area will
88 18 be eligible to vote on the same day.

88 19 c. The county commissioner of elections shall report the
88 20 results to the joint E911 service board.

88 21 d. The joint E911 service board shall compile the results
88 22 if subscribers from more than one county are included within
88 23 the proposed service area. The joint E911 service board shall
88 24 announce whether a simple majority of the compiled votes
88 25 reported by the commissioner approved the referendum question.

88 26 Sec. 147. Section 47.6, subsection 1, Code 2007, is
88 27 amended to read as follows:

88 28 1. a. (1) The governing body of any political
88 29 subdivision which has authorized a special election to which
88 30 section 39.2 is applicable shall by written notice inform the
88 31 commissioner who will be responsible for conducting the
88 32 election of the proposed date of the special election.

88 33 (a) If a public measure will appear on the ballot at the
88 34 special election the governing body shall submit the complete
88 35 text of the public measure to the commissioner with the notice



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

89 1 of the proposed date of the special election.

89 2 (b) If the proposed date of the special election coincides
89 3 with the date of a regularly scheduled election or previously
89 4 scheduled special election, the notice shall be given no later
89 5 than five p.m. on the last day on which nomination papers may
89 6 be filed with the commissioner for the regularly scheduled
89 7 election or previously scheduled special election, but in no
89 8 case shall notice be less than thirty-two days before the
89 9 election. Otherwise, the notice shall be given at least
89 10 thirty-two days in advance of the date of the proposed special
89 11 election.

89 12 (2) Upon receiving the notice, the commissioner shall
89 13 promptly give written approval of the proposed date unless it
89 14 appears that the special election, if held on that date, would
89 15 conflict with a regular election or with another special
89 16 election previously scheduled for that date.

89 17 b. A public measure shall not be withdrawn from the ballot
89 18 at any election if the public measure was placed on the ballot
89 19 by a petition, or if the election is a special election called
89 20 specifically for the purpose of deciding one or more public
89 21 measures for a single political subdivision. However, a
89 22 public measure which was submitted to the county commissioner
89 23 of elections by the governing body of a political subdivision
89 24 may be withdrawn by the governing body which submitted the
89 25 public measure if the public measure was to be placed on the
89 26 ballot of a regularly scheduled election. The notice of
89 27 withdrawal must be made by resolution of the governing body
89 28 and must be filed with the commissioner no later than the last
89 29 day upon which a candidate may withdraw from the ballot.

89 30 Sec. 148. Section 47.8, subsections 1 and 3, Code 2007,
89 31 are amended to read as follows:

89 32 1. A state voter registration commission is established
89 33 which shall meet at least quarterly to make and review policy,
89 34 adopt rules, and establish procedures to be followed by the
89 35 registrar in discharging the duties of that office, and to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

90 1 promote interagency cooperation and planning.

90 2 a. The commission shall consist of the state commissioner
90 3 of elections or the state commissioner's designee, the state
90 4 chairpersons of the two political parties whose candidates for
90 5 president of the United States or governor, as the case may
90 6 be, received the greatest and next greatest number of votes in
90 7 the most recent general election, or their respective
90 8 designees, and a county commissioner of registration appointed
90 9 by the president of the Iowa state association of county
90 10 auditors, or an employee of the commissioner.

90 11 b. The commission membership shall be balanced by
90 12 political party affiliation pursuant to section 69.16.
90 13 Members shall serve without additional salary or
90 14 reimbursement.

90 15 c. The state commissioner of elections, or the state
90 16 commissioner's designee, shall serve as chairperson of the
90 17 state voter registration commission.

90 18 3. a. The registrar shall provide staff services to the
90 19 commission and shall make available to it all information
90 20 relative to the activities of the registrar's office in
90 21 connection with voter registration policy which may be
90 22 requested by any commission member. The registrar shall also
90 23 provide to the commission at no charge statistical reports for
90 24 planning and analyzing voter registration services in the
90 25 state.

90 26 b. The commission may authorize the registrar to employ
90 27 such additional staff personnel as it deems necessary to
90 28 permit the duties of the registrar's office to be adequately
90 29 and promptly discharged. Such personnel shall be employed
90 30 pursuant to chapter 8A, subchapter IV.

90 31 Sec. 149. Section 48A.27, subsection 4, paragraph c, Code
90 32 2007, is amended to read as follows:

90 33 c. If the information provided by the vendor indicates
90 34 that a registered voter has moved to an address outside the
90 35 county, the commissioner shall make the registration record



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

91 1 inactive, and shall mail a notice to the registered voter at
91 2 both the former and new addresses.
91 3 (1) The notice shall be sent by forwardable mail, and
91 4 shall include a postage paid preaddressed return card on which
91 5 the registered voter may state the registered voter's current
91 6 address.
91 7 (2) The notice shall contain a statement in substantially
91 8 the following form:
91 9 PARAGRAPH DIVIDED. "Information received from the United
91 10 States postal service indicates that you are no longer a
91 11 resident of, and therefore not eligible to vote in (name of
91 12 county) County, Iowa. If this information is not correct, and
91 13 you still live in (name of county) County, please complete and
91 14 mail the attached postage paid card at least ten days before
91 15 the primary or general election and at least eleven days
91 16 before any other election at which you wish to vote. If the
91 17 information is correct and you have moved, please contact a
91 18 local official in your new area for assistance in registering
91 19 there. If you do not mail in the card, you may be required to
91 20 show identification before being allowed to vote in (name of
91 21 county) County. If you do not return the card, and you do not
91 22 vote in an election in (name of county) County, Iowa, on or
91 23 before (date of second general election following the date of
91 24 the notice) your name will be removed from the list of voters
91 25 in that county. To ensure you receive this notice, it is
91 26 being sent to both your most recent registration address and
91 27 to your new address as reported by the postal service."
91 28 Sec. 150. Section 48A.29, subsections 1 and 3, Code 2007,
91 29 are amended to read as follows:
91 30 1. If a confirmation notice and return card sent pursuant
91 31 to section 48A.28 is returned as undeliverable by the United
91 32 States postal service, the commissioner shall make the
91 33 registration record inactive and shall mail a notice to the
91 34 registered voter at the registered voter's most recent mailing
91 35 address, as shown by the registration records.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

92 1 a. The notice shall be sent by forwardable mail, and shall
92 2 include a postage paid preaddressed return card on which the
92 3 registered voter may state the registered voter's current
92 4 address.

92 5 b. The notice shall contain a statement in substantially
92 6 the following form:

92 7 PARAGRAPH DIVIDED. "Information received from the United
92 8 States postal service indicates that you are no longer a
92 9 resident of (residence address) in (name of county) County,
92 10 Iowa. If this information is not correct, and you still live
92 11 in (name of county) County, please complete and mail the
92 12 attached postage paid card at least ten days before the
92 13 primary or general election and at least eleven days before
92 14 any other election at which you wish to vote. If the
92 15 information is correct, and you have moved, please contact a
92 16 local official in your new area for assistance in registering
92 17 there. If you do not mail in the card, you may be required to
92 18 show identification before being allowed to vote in (name of
92 19 county) County. If you do not return the card, and you do not
92 20 vote in some election in (name of county) County, Iowa, on or
92 21 before (date of second general election following the date of
92 22 the notice) your name will be removed from the list of voters
92 23 in that county."

92 24 3. When a detachable return card originally attached to a
92 25 confirmation notice is returned by anyone other than the
92 26 registered voter indicating that the registered voter is no
92 27 longer a resident of the registration address, the
92 28 commissioner shall make the registration record inactive, and
92 29 shall mail a notice to the registered voter at the registered
92 30 voter's most recent mailing address, as shown by the
92 31 registration records.

92 32 a. The notice shall be sent by forwardable mail, and shall
92 33 include a postage paid preaddressed return card on which the
92 34 registered voter may state the registered voter's current
92 35 address.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

93 1 b. The notice shall contain a statement in substantially
93 2 the following form:
93 3 PARAGRAPH DIVIDED. "Information received by this office
93 4 indicates that you are no longer a resident of (residence
93 5 address) in (name of county) County, Iowa. If the information
93 6 is not correct, and you still live at that address, please
93 7 complete and mail the attached postage paid card at least ten
93 8 days before the primary or general election and at least
93 9 eleven days before any other election at which you wish to
93 10 vote. If the information is correct, and you have moved
93 11 within the county, you may update your registration by listing
93 12 your new address on the card and mailing it back. If you have
93 13 moved outside the county, please contact a local official in
93 14 your new area for assistance in registering there. If you do
93 15 not mail in the card, you may be required to show
93 16 identification before being allowed to vote in (name of
93 17 county) County. If you do not return the card, and you do not
93 18 vote in some election in (name of county) County, Iowa, on or
93 19 before (date of second general election following the date of
93 20 the notice) your name will be removed from the list of
93 21 registered voters in that county."
93 22 Sec. 151. Section 49.11, Code 2007, is amended to read as
93 23 follows:
93 24 49.11 NOTICE OF BOUNDARIES OF PRECINCTS == MERGER OR
93 25 DIVISION.
93 26 1. The board of supervisors or the temporary county
93 27 redistricting commission or city council shall number or name
93 28 the precincts established by the supervisors or council
93 29 pursuant to sections 49.3, 49.4, and 49.5. The boundaries of
93 30 the precincts shall be recorded in the records of the board of
93 31 supervisors, temporary county redistricting commission, or
93 32 city council, as the case may be.
93 33 2. The board of supervisors or city council shall publish
93 34 notice of changes in the county or city precinct boundaries in
93 35 a newspaper of general circulation published in the county or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

94 1 city once each week for three consecutive weeks. The series
94 2 of publications shall be made after the changes in the
94 3 precincts have been approved by the state commissioner of
94 4 elections. The last of the three publications shall be made
94 5 no later than thirty days before the next general election. A
94 6 map showing the new boundaries may be used. No publication is
94 7 necessary if no changes were made.

94 8 3. The precincts established pursuant to section 49.7
94 9 shall not be changed except in the manner provided by law.
94 10 However, for any election other than the primary or general
94 11 election or any special election held under section 69.14, the
94 12 county commissioner of elections may:

94 13 ~~1.~~ a. Consolidate two or more precincts into one.

94 14 (1) However, the commissioner shall not do so if there is
94 15 filed with the commissioner at least twenty days before the
94 16 election a petition signed by twenty-five or more eligible
94 17 electors of any precinct requesting that it not be merged with
94 18 any other precinct. There shall be attached to the petition
94 19 the affidavit of an eligible elector of the precinct that the
94 20 signatures on the petition are genuine and that all of the
94 21 signers are to the best of the affiant's knowledge and belief
94 22 eligible electors of the precinct.

94 23 (2) If a special election is to be held in which only
94 24 those registered voters residing in a specified portion of any
94 25 established precinct are entitled to vote, that portion of the
94 26 precinct may be merged by the commissioner with one or more
94 27 other established precincts or portions of established
94 28 precincts for the special election, and the right to petition
94 29 against merger of a precinct shall not apply.

94 30 ~~2.~~ b. Divide any precinct permanently established under
94 31 this section which contains all or any parts of two or more
94 32 mutually exclusive political subdivisions, either or both of
94 33 which is independently electing one or more officers or voting
94 34 on one or more questions on the same date, into two or more
94 35 temporary precincts and designate a polling place for each.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

95 1 ~~3.~~ c. Notwithstanding ~~the provisions of the first~~
~~95 2 unnumbered paragraph of this section subsection 1~~ the
95 3 commissioner may consolidate precincts for any election
95 4 including a primary and general election under any of the
95 5 following circumstances:
95 6 ~~a.~~ (1) One of the precincts involved consists entirely of
95 7 dormitories that are closed at the time the election is held.
95 8 ~~b.~~ (2) The consolidated precincts, if established as a
95 9 permanent precinct, would meet all requirements of section
95 10 49.3, and a combined total of no more than three hundred fifty
95 11 voters voted in the consolidated precincts at the last
95 12 preceding similar election.
95 13 ~~e.~~ (3) The city council of a special charter city with a
95 14 population of three thousand five hundred or less which is
95 15 divided into council wards requests the commissioner to
95 16 consolidate two or more precincts for any election.
95 17 Sec. 152. Section 49.31, subsections 1 and 2, Code 2007,
95 18 are amended to read as follows:
95 19 1. a. All ballots shall be arranged with the names of
95 20 candidates for each office listed below the office title. For
95 21 partisan elections the name of the political party or
95 22 organization which nominated each candidate shall be listed
95 23 after or below each candidate's name.
95 24 b. The commissioner shall determine the order of political
95 25 parties and nonparty political organizations on the ballot.
95 26 The sequence shall be the same for each office on the ballot
95 27 and for each precinct in the county voting in the election.
95 28 2. a. The commissioner shall prepare a list of the
95 29 election precincts of the county, by arranging the various
95 30 townships and cities in the county in alphabetical order, and
95 31 the wards or precincts in each city or township in numerical
95 32 order under the name of such city or township.
95 33 b. The commissioner shall then arrange the surnames of
95 34 each political party's candidates for each office to which two
95 35 or more persons are to be elected at large alphabetically for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

96 1 the respective offices for the first precinct on the list;
96 2 thereafter, for each political party and for each succeeding
96 3 precinct, the names appearing first for the respective offices
96 4 in the last preceding precinct shall be placed last, so that
96 5 the names that were second before the change shall be first
96 6 after the change. The commissioner may also rotate the names
96 7 of candidates of a political party in the reverse order of
96 8 that provided in this subsection or alternate the rotation so
96 9 that the candidates of different parties shall not be paired
96 10 as they proceed through the rotation. The procedure for
96 11 arrangement of names on ballots provided in this section shall
96 12 likewise be substantially followed in elections in political
96 13 subdivisions of less than a county.

96 14 c. On the general election ballot the names of candidates
96 15 for the nonpartisan offices listed in section 39.21 shall be
96 16 arranged by drawing lots for position. The commissioner shall
96 17 hold the drawing on the first business day following the
96 18 deadline for filing of nomination certificates or petitions
96 19 with the commissioner for the general election pursuant to
96 20 section 44.4. If a candidate withdraws, dies, or is removed
96 21 from the ballot after the ballot position of names has been
96 22 determined, such candidate's name shall be removed from the
96 23 ballot, and the order of the remaining names shall not be
96 24 changed.

96 25 Sec. 153. Section 49.37, subsection 1, Code 2007, is
96 26 amended to read as follows:

96 27 1. For general elections, and for other elections in which
96 28 more than one partisan office will be filled, the first
96 29 section of the ballot shall be for straight party voting.

96 30 a. Each political party or organization which has
96 31 nominated candidates for more than one office shall be listed.
96 32 Instructions to the voter for straight party or organization
96 33 voting shall be in substantially the following form:

96 34 PARAGRAPH DIVIDED. "To vote for all candidates from a
96 35 single party or organization, mark the voting target next to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

97 1 the party or organization name. Not all parties or
97 2 organizations have nominated candidates for all offices.
97 3 Marking a straight party or organization vote does not include
97 4 votes for nonpartisan offices, judges, or questions."

97 5 b. Political parties and nonparty political organizations
97 6 which have nominated candidates for only one office shall be
97 7 listed below the other political organizations under the
97 8 following heading:

97 9 PARAGRAPH DIVIDED. "Other Political Organizations. The
97 10 following organizations have nominated candidates for only one
97 11 office:".

97 12 c. Offices shall be arranged in groups. Partisan offices,
97 13 nonpartisan offices, judges, and public measures shall be
97 14 separated by a distinct line appearing on the ballot.

97 15 Sec. 154. Section 49.77, subsections 1 and 3, Code
97 16 Supplement 2007, are amended to read as follows:

97 17 1. The board members of their respective precincts shall
97 18 have charge of the ballots and furnish them to the voters.

97 19 a. Any person desiring to vote shall sign a voter's
97 20 declaration provided by the officials, in substantially the
97 21 following form:

VOTER'S DECLARATION OF ELIGIBILITY

97 23 I do solemnly swear or affirm that I am a resident of the
97 24 precinct, ward or township, city of, county
97 25 of, Iowa.

97 26 I am a registered voter. I have not voted and will not
97 27 vote in any other precinct in said election.

97 28 I understand that any false statement in this declaration
97 29 is a criminal offense punishable as provided by law.

97 30
97 31 Signature of Voter
97 32
97 33 Address
97 34
97 35 Telephone



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

98 1 Approved:
98 2
98 3 Board Member
98 4 b. At the discretion of the commissioner, this declaration
98 5 may be printed on each page of the election register and the
98 6 voter shall sign the election register next to the voter's
98 7 printed name. The voter's signature in the election register
98 8 shall be considered the voter's signed declaration of
98 9 eligibility affidavit. The state commissioner of elections
98 10 shall prescribe by rule an alternate method for providing the
98 11 information in subsection 2 for those counties where the
98 12 declaration of eligibility is printed in the election
98 13 register. The state voter registration system shall be
98 14 designed to allow for the affidavit to be printed on each page
98 15 of the election register and to allow sufficient space for the
98 16 voter's signature.
98 17 3. a. A precinct election official shall require any
98 18 person whose name does not appear on the election register as
98 19 an active voter to show identification. Specific documents
98 20 which are acceptable forms of identification shall be
98 21 prescribed by the state commissioner.
98 22 b. A precinct election official may require of the voter
98 23 unknown to the official, identification upon which the voter's
98 24 signature or mark appears. If identification is established
98 25 to the satisfaction of the precinct election officials, the
98 26 person may then be allowed to vote.
98 27 Sec. 155. Section 50.48, subsections 1 through 4, Code
98 28 Supplement 2007, are amended to read as follows:
98 29 1. a. The county board of canvassers shall order a
98 30 recount of the votes cast for a particular office or
98 31 nomination in one or more specified election precincts in that
98 32 county if a written request therefor is made not later than
98 33 ~~five o'clock~~ 5:00 p.m. on the third day following the county
98 34 board's canvass of the election in question. The request
98 35 shall be filed with the commissioner of that county, or with



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

99 1 the commissioner responsible for conducting the election if
99 2 section 47.2, subsection 2 is applicable, and shall be signed
99 3 by either of the following:

99 4 ~~a.~~ (1) A candidate for that office or nomination whose
99 5 name was printed on the ballot of the precinct or precincts
99 6 where the recount is requested.

99 7 ~~b.~~ (2) Any other person who receives votes for that
99 8 particular office or nomination in the precinct or precincts
99 9 where the recount is requested and who is legally qualified to
99 10 seek and to hold the office in question.

99 11 b. Immediately upon receipt of a request for a recount,
99 12 the commissioner shall send a copy of the request to the
99 13 apparent winner by certified mail. The commissioner shall
99 14 also attempt to contact the apparent winner by telephone. If
99 15 the apparent winner cannot be reached within four days, the
99 16 chairperson of the political party or organization which
99 17 nominated the apparent winner shall be contacted and shall act
99 18 on behalf of the apparent winner, if necessary. For
99 19 candidates for state or federal offices, the chairperson of
99 20 the state party shall be contacted. For candidates for county
99 21 offices, the county chairperson of the party shall be
99 22 contacted.

99 23 2. a. The candidate requesting a recount under this
99 24 section shall post a bond, unless the abstracts prepared
99 25 pursuant to section 50.24, or section 43.49 in the case of a
99 26 primary election, indicate that the difference between the
99 27 total number of votes cast for the apparent winner and the
99 28 total number of votes cast for the candidate requesting the
99 29 recount is less than the greater of fifty votes or one percent
99 30 of the total number of votes cast for the office or nomination
99 31 in question. If a recount is requested for an office to which
99 32 more than one person was elected, the vote difference
99 33 calculations shall be made using the difference between the
99 34 number of votes received by the person requesting the recount
99 35 and the number of votes received by the apparent winner who



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

100 1 received the fewest votes. Where votes cast for that office
100 2 or nomination were canvassed in more than one county, the
100 3 abstracts prepared by the county boards in all of those
100 4 counties shall be totaled for purposes of this subsection. If
100 5 a bond is required, it shall be filed with the state
100 6 commissioner for recounts involving a state office, including
100 7 a seat in the general assembly, or a seat in the United States
100 8 Congress, and with the commissioner responsible for conducting
100 9 the election in all other cases, and shall be in the following
100 10 amount:

100 11 ~~a.~~ (1) For an office filled by the electors of the entire
100 12 state, one thousand dollars.

100 13 ~~b.~~ (2) For United States representative, five hundred
100 14 dollars.

100 15 ~~c.~~ (3) For senator in the general assembly, three hundred
100 16 dollars.

100 17 ~~d.~~ (4) For representative in the general assembly, one
100 18 hundred fifty dollars.

100 19 ~~e.~~ (5) For an office filled by the electors of an entire
100 20 county having a population of fifty thousand or more, two
100 21 hundred dollars.

100 22 ~~f.~~ (6) For any elective office to which ~~paragraphs "a" to~~
~~100 23 "e" of this subsection~~ subparagraphs (1) to (5) are not
100 24 applicable, one hundred dollars.

100 25 b. After all recount proceedings for a particular office
100 26 are completed and the official canvass of votes cast for that
100 27 office is corrected or completed pursuant to subsections 5 and
100 28 6, if necessary, any bond posted under this subsection shall
100 29 be returned to the candidate who requested the recount if the
100 30 apparent winner before the recount is not the winner as shown
100 31 by the corrected or completed canvass. In all other cases,
100 32 the bond shall be deposited in the general fund of the state
100 33 if filed with the state commissioner or in the election fund
100 34 of the county with whose commissioner it was filed.

100 35 3. a. The recount shall be conducted by a board which



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

101 1 shall consist of:

101 2 ~~a.~~ (1) A designee of the candidate requesting the
101 3 recount, who shall be named in the written request when it is
101 4 filed.

101 5 ~~b.~~ (2) A designee of the apparent winning candidate, who
101 6 shall be named by that candidate at or before the time the
101 7 board is required to convene.

101 8 ~~c.~~ (3) A person chosen jointly by the members designated
101 9 under ~~paragraphs "a" and "b" of this subsection~~ subparagraphs
101 10 (1) and (2).

101 11 b. The commissioner shall convene the persons designated
101 12 under ~~paragraphs~~ paragraph "a" and "b" of this subsection,
101 13 subparagraphs (1) and (2), not later than ~~nine o'clock~~ 9:00
101 14 a.m. on the seventh day following the county board's canvass
101 15 of the election in question. If those two members cannot
101 16 agree on the third member by ~~eight o'clock~~ 8:00 a.m. on the
101 17 ninth day following the canvass, they shall immediately so
101 18 notify the chief judge of the judicial district in which the
101 19 canvass is occurring, who shall appoint the third member not
101 20 later than ~~five o'clock~~ 5:00 p.m. on the eleventh day
101 21 following the canvass.

101 22 4. a. When all members of the recount board have been
101 23 selected, the board shall undertake and complete the required
101 24 recount as expeditiously as reasonably possible. The
101 25 commissioner or the commissioner's designee shall supervise
101 26 the handling of ballots or voting machine documents to ensure
101 27 that the ballots and other documents are protected from
101 28 alteration or damage. The board shall open only the sealed
101 29 ballot containers from the precincts specified to be recounted
101 30 in the request or by the recount board. The board shall
101 31 recount only the ballots which were voted and counted for the
101 32 office in question, including any disputed ballots returned as
101 33 required in section 50.5. If an electronic tabulating system
101 34 was used to count the ballots, the recount board may request
101 35 the commissioner to retabulate the ballots using the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

102 1 electronic tabulating system. The same program used for
102 2 tabulating the votes on election day shall be used at the
102 3 recount unless the program is believed or known to be flawed.
102 4 If a voting machine was used, the paper record required in
102 5 section 52.7, subsection 2, shall be the official record used
102 6 in the recount. However, if the commissioner believes or
102 7 knows that the paper records produced from a machine have been
102 8 compromised due to damage, mischief, malfunction, or other
102 9 cause, the printed ballot images produced from the internal
102 10 audit log for that machine shall be the official record used
102 11 in the recount.

102 12 b. Any member of the recount board may at any time during
102 13 the recount proceedings extend the recount of votes cast for
102 14 the office or nomination in question to any other precinct or
102 15 precincts in the same county, or from which the returns were
102 16 reported to the commissioner responsible for conducting the
102 17 election, without the necessity of posting additional bond.

102 18 c. The ballots or voting machine documents shall be
102 19 resealed by the recount board before adjournment and shall be
102 20 preserved as required by section 50.12. At the conclusion of
102 21 the recount, the recount board shall make and file with the
102 22 commissioner a written report of its findings, which shall be
102 23 signed by at least two members of the recount board. The
102 24 recount board shall complete the recount and file its report
102 25 not later than the eighteenth day following the county board's
102 26 canvass of the election in question.

102 27 Sec. 156. Section 50.49, Code 2007, is amended to read as
102 28 follows:

102 29 50.49 RECOUNTS FOR PUBLIC MEASURES.

102 30 1. A recount for any public measure shall be ordered by
102 31 the board of canvassers if a petition requesting a recount is
102 32 filed with the county commissioner not later than three days
102 33 after the completion of the canvass of votes for the election
102 34 at which the question appeared on the ballot. The petition
102 35 shall be signed by the greater of not less than ten eligible



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

103 1 electors or a number of eligible electors equaling one percent
103 2 of the total number of votes cast upon the public measure.
103 3 Each petitioner must be a person who was entitled to vote on
103 4 the public measure in question or would have been so entitled
103 5 if registered to vote.
103 6 2. The recount shall be conducted by a board which shall
103 7 consist of:
103 8 ~~1.~~ a. A designee named in the petition requesting the
103 9 recount.
103 10 ~~2.~~ b. A designee named by the commissioner at or before
103 11 the time the board is required to convene.
103 12 ~~3.~~ c. A person chosen jointly by the members designated
103 13 under ~~subsections 1 and 2~~ paragraphs "a" and "b".
103 14 3. The commissioner shall convene the persons designated
103 15 under ~~subsections 1 and~~ subsection 2, paragraphs "a" and "b",
103 16 not later than ~~nine~~ nine 9:00 a.m. on the seventh day following the
103 17 canvass of the election in question. If those two members
103 18 cannot agree on the third member by ~~eight~~ 8:00 a.m. on the
103 19 ninth day following the canvass, they shall immediately notify
103 20 the chief judge of the judicial district in which the canvass
103 21 is occurring, who shall appoint the third member not later
103 22 than ~~five~~ five 5:00 p.m. on the eleventh day following the canvass.
103 23 4. The petitioners requesting the recount shall post a
103 24 bond as required by section 50.48, subsection 2. The amount
103 25 of the bond shall be one thousand dollars for a public measure
103 26 appearing on the ballot statewide or one hundred dollars for
103 27 any other public measure. If the difference between the
103 28 affirmative and negative votes cast on the public measure is
103 29 less than the greater of fifty votes or one percent of the
103 30 total number of votes cast for and against the question, a
103 31 bond is not required. If approval by sixty percent of the
103 32 votes cast is required for adoption of the public measure, no
103 33 bond is required if the difference between sixty percent of
103 34 the total votes cast for and against the question and the
103 35 number of votes cast for the losing side is less than the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

104 1 greater of fifty votes or one percent of the total number of
 104 2 votes cast.
 104 3 5. The procedure for the recount shall follow the
 104 4 provisions of section 50.48, subsections 4 through 7, as far
 104 5 as possible.
 104 6 Sec. 157. Section 52.9, subsections 2 and 3, Code
 104 7 Supplement 2007, are amended to read as follows:
 104 8 2. It shall be the duty of the commissioner or the
 104 9 commissioner's duly authorized agents to examine and test the
 104 10 voting machines to be used at any election, after the machines
 104 11 have been prepared for the election and not less than twelve
 104 12 hours before the opening of the polls on the morning of the
 104 13 election. For any election to fill a partisan office, the
 104 14 county chairperson of each political party referred to in
 104 15 section 49.13 shall be notified in writing of the date, time,
 104 16 and place the machines shall be examined and tested so that
 104 17 they may be present, or have a representative present. For
 104 18 every election, the commissioner shall publish notice of the
 104 19 date, time, and place the examination and testing will be
 104 20 conducted. The commissioner may include such notice in the
 104 21 notice of the election published pursuant to section 49.53.
 104 22 3. Those present for the examination and testing shall
 104 23 sign a certificate which shall read substantially as follows:
 104 24 The Undersigned Hereby Certify that, having duly qualified,
 104 25 we were present and witnessed the testing and preparation of
 104 26 the following voting machines; that we believe the same to be
 104 27 in proper condition for use in the election of (date);
 104 28 that each registering counter of the machine is set at 000;
 104 29 that the public counter is set at 000; that the seal numbers
 104 30 and the protective counter numbers are as indicated below.
 104 31 Signed:
 104 32
 104 33 Republican (if applicable)
 104 34
 104 35 Democrat (if applicable)



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

105 1
 105 2
 105 3 Voting machine custodian
 105 4 Dated

105 5	Machine	Protective	Seal
105 6	Number	Counter	Number
105 7		Number	
105 8	.....	.....	.....
105 9	.....	.....	.....
105 10	.....	.....	.....
105 11	.....	.....	.....

105 12 ~~3.~~ 4. On those voting machines presently equipped with an
 105 13 after=election latch and on all machines placed in use after
 105 14 January 1, 1961, in this state, the after=election latch shall
 105 15 be fully used by the election officials.

105 16 Sec. 158. Section 52.37, subsection 1, Code Supplement
 105 17 2007, is amended to read as follows:

105 18 1. a. If any ballot is found damaged or defective, so
 105 19 that it cannot be counted properly by the automatic tabulating
 105 20 equipment, a true duplicate shall be made by the resolution
 105 21 board team and substituted for the damaged or defective
 105 22 ballot, or, as an alternative, the valid votes on a defective
 105 23 ballot may be manually counted by the special precinct
 105 24 election board, whichever method is best suited to the system
 105 25 being used. All duplicate ballots shall be clearly labeled as
 105 26 such, and shall bear a serial number which shall also be
 105 27 recorded on the damaged or defective ballot.

105 28 b. The special precinct election board shall also tabulate
 105 29 any write=in votes which were cast. Write=in votes cast for a
 105 30 candidate whose name appears on the ballot for the same office
 105 31 shall be counted as a vote for the candidate indicated, if the
 105 32 vote is otherwise properly cast.

105 33 c. Ballots which are rejected by the tabulating equipment
 105 34 as blank because they have been marked with an unreadable
 105 35 marker shall be duplicated or tabulated as required by this



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

106 1 subsection for damaged or defective ballots. The commissioner
106 2 may instruct the special precinct election board to mark over
106 3 voters' unreadable marks using a marker compatible with the
106 4 tabulating equipment. The special precinct election board
106 5 shall take care to leave part of the original mark made by the
106 6 voter. If it is impossible to mark over the original marks
106 7 made by the voter without completely obliterating them, the
106 8 ballot shall be duplicated.

106 9 Sec. 159. Section 53.2, subsection 2, Code Supplement
106 10 2007, is amended to read as follows:

106 11 2. The state commissioner shall prescribe a form for
106 12 absentee ballot applications.

106 13 a. Absentee ballot applications may include instructions
106 14 to send the application directly to the county commissioner of
106 15 elections. However, no absentee ballot application shall be
106 16 preaddressed or printed with instructions to send the
106 17 applications to anyone other than the appropriate
106 18 commissioner.

106 19 b. No absentee ballot application shall be preaddressed or
106 20 printed with instructions to send the ballot to anyone other
106 21 than the voter.

106 22 Sec. 160. Section 64.24, Code 2007, is amended to read as
106 23 follows:

106 24 64.24 RECORDING.

106 25 1. a. The secretary of state, each county auditor,
106 26 district court clerk, and each auditor or clerk of a city
106 27 shall keep a book, to be known as the "Record of Official
106 28 Bonds", and all official bonds shall be recorded therein in
106 29 full as follows:

106 30 ~~1.~~ (1) In the record kept by the secretary of state, the
106 31 official bonds of all state officers, elective or appointive,
106 32 except the bonds of notaries public.

106 33 ~~2.~~ (2) In the record kept by the county auditor, the
106 34 official bonds of all county officers, elective or appointive,
106 35 and township clerks.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

107 1 ~~3-~~ (3) In the record kept by the city auditor or clerk,
107 2 the official bonds of all city officers, elective or
107 3 appointive.

107 4 ~~4-~~ (4) In the record kept by the district court clerk,
107 5 the official bonds of judicial magistrates.

107 6 b. The records shall have an index which, under the title
107 7 of each office, shall show the name of each principal and the
107 8 date of the filing of the bond.

107 9 2. A bond when recorded shall be returned to the officer
107 10 charged with the custody thereof.

107 11 Sec. 161. Section 68A.402, subsection 2, paragraph b, Code
107 12 Supplement 2007, is amended to read as follows:

107 13 b. SUPPLEMENTARY REPORT == STATEWIDE AND GENERAL ASSEMBLY
107 14 ELECTIONS.

107 15 (1) A candidate's committee of a candidate for statewide
107 16 office or the general assembly shall file a supplementary
107 17 report in a year in which a primary, general, or special
107 18 election for that office is held. The supplementary reports
107 19 shall be filed if contributions are received after the close
107 20 of the period covered by the last report filed prior to that
107 21 primary, general, or special election if any of the following
107 22 applies:

107 23 ~~(1)~~ (a) The committee of a candidate for governor
107 24 receives ten thousand dollars or more.

107 25 ~~(2)~~ (b) The committee of a candidate for any other
107 26 statewide office receives five thousand dollars or more.

107 27 ~~(3)~~ (c) The committee of a candidate for the general
107 28 assembly receives one thousand dollars or more.

107 29 (2) The amount of any contribution causing a supplementary
107 30 report under this paragraph "b" shall include the estimated
107 31 fair market value of any in-kind contribution. The report
107 32 shall be filed by the Friday immediately preceding the
107 33 election and be current through the Tuesday immediately
107 34 preceding the election.

107 35 Sec. 162. Section 68A.406, subsection 2, Code Supplement



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

108 1 2007, is amended to read as follows:

108 2 2. a. Campaign signs shall not be placed on any of the
108 3 following:

108 4 ~~a.~~ (1) Any property owned by the state or the governing
108 5 body of a county, city, or other political subdivision of the
108 6 state, including all property considered the public
108 7 right-of-way. Upon a determination by the board that a sign
108 8 has been improperly placed, the sign shall be removed by
108 9 highway authorities as provided in section 318.5, or by county
108 10 or city law enforcement authorities in a manner consistent
108 11 with section 318.5.

108 12 ~~b.~~ (2) Property owned by a prohibited contributor under
108 13 section 68A.503 unless the sign advocates the passage or
108 14 defeat of a ballot issue or is exempted under subsection 1.

108 15 ~~c.~~ (3) On any property without the permission of the
108 16 property owner.

108 17 ~~d.~~ (4) On election day either on the premises of any
108 18 polling place or within three hundred feet of any outside door
108 19 of any building affording access to any room where the polls
108 20 are held, or of any outside door of any building affording
108 21 access to any hallway, corridor, stairway, or other means of
108 22 reaching the room where the polls are held.

108 23 ~~e.~~ (5) Within three hundred feet of an absentee voting
108 24 site during the hours when absentee ballots are available in
108 25 the office of the county commissioner of elections as provided
108 26 in section 53.10.

108 27 ~~f.~~ (6) Within three hundred feet of a satellite absentee
108 28 voting station during the hours when absentee ballots are
108 29 available at the satellite absentee voting station as provided
108 30 in section 53.11.

108 31 b. Paragraphs "d", "e", and "f" Paragraph "a",
108 32 subparagraphs (4), (5), and (6) shall not apply to the posting
108 33 of signs on private property not a polling place, except that
108 34 the placement of a sign on a motor vehicle, trailer, or
108 35 semitrailer, or any attachment to a motor vehicle, trailer, or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

109 1 semitrailer parked on public property within three hundred
109 2 feet of a polling place, which sign is more than ninety square
109 3 inches in size, is prohibited.

109 4 Sec. 163. Section 69.8, subsection 5, Code 2007, is
109 5 amended to read as follows:

109 6 5. ELECTED TOWNSHIP OFFICES.

109 7 a. When a vacancy occurs in the office of township clerk
109 8 or township trustee, the vacancy shall be filled by
109 9 appointment by the trustees. All appointments to fill
109 10 vacancies in township offices shall be until a successor is
109 11 elected at the next general election and qualifies by taking
109 12 the oath of office. If the term of office in which the
109 13 vacancy exists will expire within seventy days after the next
109 14 general election, the person elected to the office for the
109 15 succeeding term shall qualify by taking the oath of office
109 16 within ten days after the election and shall serve for the
109 17 remainder of the unexpired term, as well as for the next
109 18 four-year term.

109 19 b. However, if the offices of two trustees are vacant the
109 20 county board of supervisors shall fill the vacancies by
109 21 appointment. If the offices of three trustees are vacant the
109 22 board may fill the vacancies by appointment, or the board may
109 23 adopt a resolution stating that the board will exercise all
109 24 powers and duties assigned by law to the trustees of the
109 25 township in which the vacancies exist until the vacancies are
109 26 filled at the next general election. If a township office
109 27 vacancy is not filled by the trustees within thirty days after
109 28 the vacancy occurs, the board of supervisors may appoint a
109 29 successor to fill the vacancy until the vacancy can be filled
109 30 at the next general election.

109 31 Sec. 164. Section 69.14A, subsections 1 and 2, Code 2007,
109 32 are amended to read as follows:

109 33 1. A vacancy on the board of supervisors shall be filled
109 34 by one of the following procedures:

109 35 a. By appointment by the committee of county officers



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

110 1 designated to fill the vacancy in section 69.8.
110 2 (1) The appointment shall be for the period until the next
110 3 pending election as defined in section 69.12, and shall be
110 4 made within forty days after the vacancy occurs. If the
110 5 committee of county officers designated to fill the vacancy
110 6 chooses to proceed under this paragraph, the committee shall
110 7 publish notice in the manner prescribed by section 331.305
110 8 stating that the committee intends to fill the vacancy by
110 9 appointment but that the electors of the district or county,
110 10 as the case may be, have the right to file a petition
110 11 requiring that the vacancy be filled by special election. The
110 12 committee may publish notice in advance if an elected official
110 13 submits a resignation to take effect at a future date. The
110 14 committee may make an appointment to fill the vacancy after
110 15 the notice is published or after the vacancy occurs, whichever
110 16 is later. A person appointed to an office under this
110 17 subsection shall have actually resided in the county which the
110 18 appointee represents sixty days prior to appointment.
110 19 (2) However, if within fourteen days after publication of
110 20 the notice or within fourteen days after the appointment is
110 21 made, a petition is filed with the county auditor requesting a
110 22 special election to fill the vacancy, the appointment is
110 23 temporary and a special election shall be called as provided
110 24 in paragraph "b". The petition shall meet the requirements of
110 25 section 331.306, except that in counties where supervisors are
110 26 elected under plan "three", the number of signatures
110 27 calculated according to the formula in section 331.306 shall
110 28 be divided by the number of supervisor districts in the
110 29 county.
110 30 b. By special election held to fill the office for the
110 31 remaining balance of the unexpired term.
110 32 (1) The committee of county officers designated to fill
110 33 the vacancy in section 69.8 may, on its own motion, or shall,
110 34 upon receipt of a petition as provided in paragraph "a", call
110 35 for a special election to fill the vacancy in lieu of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

111 1 appointment. The committee shall order the special election
111 2 at the earliest practicable date, but giving at least
111 3 thirty=two days' notice of the election. A special election
111 4 called under this section shall be held on a Tuesday and shall
111 5 not be held on the same day as a school election within the
111 6 county.

111 7 (2) However, if a vacancy on the board of supervisors
111 8 occurs after the date of the primary election and more than
111 9 seventy=three days before the general election, a special
111 10 election to fill the vacancy shall not be called by the
111 11 committee or by petition. If the term of office in which the
111 12 vacancy exists will expire more than seventy days after the
111 13 general election, the office shall be listed on the ballot, as
111 14 "For Board of Supervisors, To Fill Vacancy". The person
111 15 elected at the general election shall assume office as soon as
111 16 a certificate of election is issued and the person has
111 17 qualified by taking the oath of office. The person shall
111 18 serve the balance of the unexpired term.

111 19 (3) If the term of office in which the vacancy exists will
111 20 expire within seventy days after the general election, the
111 21 person elected to the succeeding term shall also serve the
111 22 balance of the unexpired term. The person elected at the
111 23 general election shall assume office as soon as a certificate
111 24 of election is issued and the person has qualified by taking
111 25 the oath of office.

111 26 c. For a vacancy declared by the board pursuant to section
111 27 331.214, subsection 2, by special election held to fill the
111 28 office if the remaining balance of the unexpired term is two
111 29 and one=half years or more. The committee of county officers
111 30 designated to fill the vacancy in section 69.8 shall order the
111 31 special election at the earliest practicable date, but giving
111 32 at least thirty=two days' notice of the election. A special
111 33 election called under this section shall be held on a Tuesday
111 34 and shall not be held on the same day as a school election
111 35 within the county. The office shall be listed on the ballot,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

112 1 as "For Board of Supervisors, To Fill Vacancy". The person
112 2 elected at the special election shall serve the balance of the
112 3 unexpired term.

112 4 2. A vacancy in any of the offices listed in section 39.17
112 5 shall be filled by one of the two following procedures:

112 6 a. By appointment by the board of supervisors.

112 7 (1) The appointment shall be for the period until the next
112 8 pending election as defined in section 69.12, and shall be
112 9 made within forty days after the vacancy occurs. If the board
112 10 of supervisors chooses to proceed under this paragraph, the
112 11 board shall publish notice in the manner prescribed by section
112 12 331.305 stating that the board intends to fill the vacancy by
112 13 appointment but that the electors of the county have the right
112 14 to file a petition requiring that the vacancy be filled by
112 15 special election. The board may publish notice in advance if
112 16 an elected official submits a resignation to take effect at a
112 17 future date. The board may make an appointment to fill the
112 18 vacancy after the notice is published or after the vacancy
112 19 occurs, whichever is later. A person appointed to an office
112 20 under this subsection, except for a county attorney, shall
112 21 have actually resided in the county which the appointee
112 22 represents sixty days prior to appointment. A person
112 23 appointed to the office of county attorney shall be a resident
112 24 of the county at the time of appointment.

112 25 (2) However, if within fourteen days after publication of
112 26 the notice or within fourteen days after the appointment is
112 27 made, a petition is filed with the county auditor requesting a
112 28 special election to fill the vacancy, the appointment is
112 29 temporary and a special election shall be called as provided
112 30 in paragraph "b". The petition shall meet the requirements of
112 31 section 331.306.

112 32 b. By special election held to fill the office for the
112 33 remaining balance of the unexpired term.

112 34 (1) The board of supervisors may, on its own motion, or
112 35 shall, upon receipt of a petition as provided in paragraph



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

113 1 "a", call for a special election to fill the vacancy in lieu
113 2 of appointment. The supervisors shall order the special
113 3 election at the earliest practicable date, but giving at least
113 4 thirty=two days' notice of the election. A special election
113 5 called under this section shall be held on a Tuesday and shall
113 6 not be held on the same day as a school election within the
113 7 county.

113 8 (2) If a vacancy in an elective county office occurs after
113 9 the date of the primary election and more than seventy=three
113 10 days before the general election, a special election to fill
113 11 the vacancy shall not be called by the board of supervisors or
113 12 by petition. If the term of office in which the vacancy
113 13 exists will expire more than seventy days after the general
113 14 election, the office shall be listed on the ballot with the
113 15 name of the office and the additional description, "To Fill
113 16 Vacancy". The person elected at the general election shall
113 17 assume office as soon as a certificate of election is issued
113 18 and the person has qualified by taking the oath of office.
113 19 The person shall serve the balance of the unexpired term.

113 20 (3) If the term of office in which the vacancy exists will
113 21 expire within seventy days after the general election, the
113 22 person elected to the succeeding term shall also serve the
113 23 balance of the unexpired term. The person elected at the
113 24 general election shall assume office as soon as a certificate
113 25 of election is issued and the person has qualified by taking
113 26 the oath of office.

113 27 Sec. 165. Section 73.2, subsection 1, Code 2007, is
113 28 amended to read as follows:

113 29 1. a. All requests hereafter made for bids and proposals
113 30 for materials, products, supplies, provisions, and other
113 31 needed articles to be purchased at public expense, shall be
113 32 made in general terms and by general specifications and not by
113 33 brand, trade name, or other individual mark.

113 34 b. All such requests and bids shall contain a paragraph in
113 35 easily legible print, reading as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

114 1 ~~By~~ "By virtue of statutory authority, a preference will be
114 2 given to products and provisions grown and coal produced
114 3 within the state of Iowa."

114 4 Sec. 166. Section 73.16, subsection 2, Code Supplement
114 5 2007, is amended to read as follows:

114 6 2. a. Prior to the commencement of a fiscal year, the
114 7 director of each agency or department of state government
114 8 having purchasing authority, in cooperation with the targeted
114 9 small business marketing and compliance manager of the
114 10 department of economic development, shall establish for that
114 11 fiscal year a procurement goal from certified targeted small
114 12 businesses identified pursuant to section 10A.104, subsection
114 13 8.

114 14 (1) The procurement goal shall include the procurement of
114 15 all goods and services, including construction, but not
114 16 including utility services.

114 17 (2) A procurement goal shall be stated in terms of a
114 18 dollar amount of certified purchases and shall be established
114 19 at a level that exceeds the procurement levels from certified
114 20 targeted small businesses during the previous fiscal year.

114 21 b. The director of an agency or department of state
114 22 government that has established a procurement goal as required
114 23 under this subsection shall provide a report within fifteen
114 24 business days following the end of each calendar quarter to
114 25 the targeted small business marketing and compliance manager
114 26 of the department of economic development, providing the total
114 27 dollar amount of certified purchases from certified targeted
114 28 small businesses during the previous calendar quarter. The
114 29 required report shall be made in a form approved by the
114 30 targeted small business marketing and compliance manager. The
114 31 first quarterly report shall be for the calendar quarter
114 32 ending September 30, 2007.

114 33 c. (1) The director of each department and agency of
114 34 state government shall cooperate with the director of the
114 35 department of inspections and appeals, the director of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

115 1 department of economic development, and the director of the
115 2 department of management and do all acts necessary to carry
115 3 out the provisions of this division.

115 4 (2) The director of each agency or department of state
115 5 government having purchasing authority shall issue electronic
115 6 bid notices for distribution to the targeted small business
115 7 web page located at the department of economic development if
115 8 the director releases a solicitation for bids for procurement
115 9 of equipment, supplies, or services. The notices shall be
115 10 provided to the targeted small business marketing manager
115 11 forty-eight hours prior to the issuance of all bid notices.
115 12 The notices shall contain a description of the subject of the
115 13 bid, a point of contact for the bid, and any subcontract goals
115 14 included in the bid.

115 15 (3) A community college, area education agency, or school
115 16 district shall establish a procurement goal from certified
115 17 targeted small businesses, identified pursuant to section
115 18 10A.104, subsection 8, of at least ten percent of the value of
115 19 anticipated procurements of goods and services including
115 20 construction, but not including utility services, each fiscal
115 21 year.

115 22 d. Of the total value of anticipated procurements of goods
115 23 and services under this subsection, an additional goal shall
115 24 be established to procure at least forty percent from
115 25 minority-owned businesses, and forty percent from female-owned
115 26 businesses.

115 27 Sec. 167. Section 74A.3, Code 2007, is amended to read as
115 28 follows:

115 29 74A.3 INTEREST RATES FOR PUBLIC OBLIGATIONS.

115 30 1. Except as otherwise provided by law, the rates of
115 31 interest on obligations issued by this state, or by a county,
115 32 school district, city, special improvement district, or any
115 33 other governmental body or agency are as follows:

115 34 ~~1-~~ a. General obligation bonds, warrants, or other
115 35 evidences of indebtedness which are payable from general



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

116 1 taxation or from the state's sinking fund for public deposits
116 2 may bear interest at a rate to be set by the issuing
116 3 governmental body or agency.

116 4 ~~2.~~ b. Revenue bonds, warrants, pledge orders or other
116 5 obligations, the principal and interest of which are to be
116 6 paid solely from the revenue derived from the operations of
116 7 the publicly owned enterprise or utility for which the bonds
116 8 or obligations are issued, may bear interest at a rate to be
116 9 set by the issuing governmental body or agency.

116 10 ~~3.~~ c. Special assessment bonds, certificates, warrants or
116 11 other obligations, the principal and interest of which are
116 12 payable from special assessments levied against benefited
116 13 property may bear interest at a rate to be set by the issuing
116 14 governmental body or agency.

116 15 2. The interest rates authorized by this section to be set
116 16 by the issuing governmental body or agency shall be set in
116 17 each instance by the governing body which, in accordance with
116 18 applicable provisions of law then in effect, authorizes the
116 19 issuance of the bonds, warrants, pledge orders, certificates,
116 20 obligations, or other evidences of indebtedness.

116 21 Sec. 168. Section 80.8, Code 2007, is amended to read as
116 22 follows:

116 23 80.8 EMPLOYEES AND PEACE OFFICERS == SALARIES AND
116 24 COMPENSATION.

116 25 1. The commissioner shall employ personnel as may be
116 26 required to properly discharge the duties of the department.

116 27 2. The commissioner may delegate to the peace officers of
116 28 the department such additional duties in the enforcement of
116 29 this chapter as the commissioner may deem proper and
116 30 incidental to the duties now imposed upon them by law.

116 31 3. a. The salaries of peace officers and employees of the
116 32 department and the expenses of the department shall be
116 33 provided for by a legislative appropriation. The compensation
116 34 of peace officers of the department shall be fixed according
116 35 to grades as to rank and length of service by the commissioner



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

117 1 with the approval of the department of administrative
117 2 services, unless covered by a collective bargaining agreement
117 3 that provides otherwise.

117 4 b. The peace officers shall be paid additional
117 5 compensation in accordance with the following formula: When
117 6 peace officers have served for a period of five years, their
117 7 compensation then being paid shall be increased by the sum of
117 8 twenty-five dollars per month beginning with the month
117 9 succeeding the foregoing described five-year period; when
117 10 peace officers have served for a period of ten years, their
117 11 compensation then being paid shall be increased by the sum of
117 12 twenty-five dollars per month beginning with the month
117 13 succeeding the foregoing described ten-year period, such sums
117 14 being in addition to the increase provided herein to be paid
117 15 after five years of service; when peace officers have served
117 16 for a period of fifteen years, their compensation then being
117 17 paid shall be increased by the sum of twenty-five dollars per
117 18 month beginning with the month succeeding the foregoing
117 19 described fifteen-year period, such sums being in addition to
117 20 the increases previously provided for herein; when peace
117 21 officers have served for a period of twenty years, their
117 22 compensation then being paid shall be increased by the sum of
117 23 twenty-five dollars per month beginning with the month
117 24 succeeding the foregoing described twenty-year period, such
117 25 sums being in addition to the increases previously provided
117 26 for herein.

117 27 c. While on active duty, each peace officer shall also
117 28 receive a flat daily sum as fixed by the commissioner for
117 29 meals unless the amount of the flat daily sum is covered by a
117 30 collective bargaining agreement that provides otherwise.

117 31 d. A collective bargaining agreement entered into between
117 32 the state and a state employee organization under chapter 20
117 33 made final after July 1, 1977, shall not include any pay
117 34 adjustment to longevity pay authorized under this section.

117 35 e. Peace officers of the department excluded from the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

118 1 provisions of chapter 20 who are injured in the line of duty
118 2 shall receive paid time off in the same manner as provided to
118 3 peace officers of the department covered by a collective
118 4 bargaining agreement entered into between the state and the
118 5 employee organization representing such covered peace officers
118 6 under chapter 20.

118 7 Sec. 169. Section 80E.2, Code 2007, is amended to read as
118 8 follows:

118 9 80E.2 DRUG POLICY ADVISORY COUNCIL == MEMBERSHIP ==
118 10 DUTIES.

118 11 1. An Iowa drug policy advisory council is established
118 12 which shall consist of the following fifteen members:

118 13 a. The drug policy coordinator, who shall serve as
118 14 chairperson of the council.

118 15 b. The director of the department of corrections, or the
118 16 director's designee.

118 17 c. The director of the department of education, or the
118 18 director's designee.

118 19 d. The director of the Iowa department of public health,
118 20 or the director's designee.

118 21 e. The commissioner of public safety, or the
118 22 commissioner's designee.

118 23 f. The director of the department of human services, or
118 24 the director's designee.

118 25 g. The director of the division of criminal and juvenile
118 26 justice planning in the department of human rights, or the
118 27 division director's designee.

118 28 h. A prosecuting attorney.

118 29 i. A licensed substance abuse treatment specialist.

118 30 j. A certified substance abuse prevention specialist.

118 31 k. A substance abuse treatment program director.

118 32 l. A justice of the Iowa supreme court, or judge, as
118 33 designated by the chief justice of the supreme court.

118 34 m. A member representing the Iowa association of chiefs of
118 35 police and peace officers.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

119 1 n. A member representing the Iowa state police
119 2 association.
119 3 o. A member representing the Iowa state sheriffs' and
119 4 deputies' association.
119 5 2. The prosecuting attorney, licensed substance abuse
119 6 treatment specialist, certified substance abuse prevention
119 7 specialist, substance abuse treatment program director, member
119 8 representing the Iowa association of chiefs of police and
119 9 peace officers, member representing the Iowa state police
119 10 association, and the member representing the Iowa state
119 11 sheriffs' and deputies' association shall be appointed by the
119 12 governor, subject to senate confirmation, for four-year terms
119 13 beginning and ending as provided in section 69.19. A vacancy
119 14 on the council shall be filled for the unexpired term in the
119 15 same manner as the original appointment was made.
119 16 ~~2.~~ 3. The council shall make policy recommendations to
119 17 the appropriate departments concerning the administration,
119 18 development, and coordination of programs related to substance
119 19 abuse education, prevention, treatment, and enforcement.
119 20 ~~3.~~ 4. The members of the council shall be reimbursed for
119 21 actual and necessary travel and related expenses incurred in
119 22 the discharge of official duties. Each member of the council
119 23 may also be eligible to receive compensation as provided in
119 24 section 7E.6.
119 25 ~~4.~~ 5. The council shall meet at least quarterly
119 26 throughout the year.
119 27 ~~5.~~ 6. A majority of the members of the council
119 28 constitutes a quorum, and a majority of the total membership
119 29 of the council is necessary to act in any matter within the
119 30 jurisdiction of the council.
119 31 Sec. 170. Section 84A.1, subsections 2 and 3, Code 2007,
119 32 are amended to read as follows:
119 33 2. The chief executive officer of the department of
119 34 workforce development is the director who shall be appointed
119 35 by the governor, subject to confirmation by the senate under



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

120 1 the confirmation procedures of section 2.32.
120 2 a. The director of the department of workforce development
120 3 shall serve at the pleasure of the governor.
120 4 b. The governor shall set the salary of the director
120 5 within the applicable salary range established by the general
120 6 assembly.
120 7 c. The director shall be selected solely on the ability to
120 8 administer the duties and functions granted to the director
120 9 and the department and shall devote full time to the duties of
120 10 the director.
120 11 d. If the office of director becomes vacant, the vacancy
120 12 shall be filled in the same manner as the original appointment
120 13 was made.
120 14 3. a. The director of the department of workforce
120 15 development shall, subject to the requirements of section
120 16 84A.1B, prepare, administer, and control the budget of the
120 17 department and its divisions and shall approve the employment
120 18 of all personnel of the department and its divisions.
120 19 b. The director of the department of workforce development
120 20 shall direct the administrative and compliance functions and
120 21 control the docket of the division of workers' compensation.
120 22 ~~3.~~ 4. The department of workforce development shall
120 23 include the division of labor services, the division of
120 24 workers' compensation, and other divisions as appropriate.
120 25 Sec. 171. Section 85.31, subsection 1, Code 2007, is
120 26 amended to read as follows:
120 27 1. a. When death results from the injury, the employer
120 28 shall pay the dependents who were wholly dependent on the
120 29 earnings of the employee for support at the time of the
120 30 injury, during their lifetime, compensation upon the basis of
120 31 eighty percent per week of the employee's average weekly
120 32 spendable earnings, commencing from the date of death as
120 33 follows:
120 34 ~~a.~~ (1) To the surviving spouse for life or until
120 35 remarriage, provided that upon remarriage two years' benefits



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

121 1 shall be paid to the surviving spouse in a lump sum, if there
121 2 are no children entitled to benefits.
121 3 ~~b.~~ (2) To any child of the deceased until the child shall
121 4 reach the age of eighteen, provided that a child beyond
121 5 eighteen years of age shall receive benefits to the age of
121 6 twenty-five if actually dependent, and the fact that a child
121 7 is under twenty-five years of age and is enrolled as a
121 8 full-time student in any accredited educational institution
121 9 shall be a prima facie showing of actual dependency.
121 10 ~~c.~~ (3) To any child who was physically or mentally
121 11 incapacitated from earning at the time of the injury causing
121 12 death for the duration of the incapacity from earning.
121 13 ~~d.~~ (4) To all other dependents as defined in section
121 14 85.44 for the duration of the incapacity from earning.
121 15 b. The weekly benefit amount shall not exceed a weekly
121 16 benefit amount, rounded to the nearest dollar, equal to two
121 17 hundred percent of the statewide average weekly wage paid
121 18 employees as determined by the department of workforce
121 19 development under section 96.19, subsection 36, and in effect
121 20 at the time of the injury. The minimum weekly benefit amount
121 21 shall be equal to the weekly benefit amount of a person whose
121 22 gross weekly earnings are thirty-five percent of the statewide
121 23 average weekly wage. Such compensation shall be in addition
121 24 to the benefits provided by sections 85.27 and 85.28.
121 25 Sec. 172. Section 85.34, subsection 3, Code 2007, is
121 26 amended to read as follows:
121 27 3. PERMANENT TOTAL DISABILITY.
121 28 a. Compensation for an injury causing permanent total
121 29 disability shall be upon the basis of eighty percent per week
121 30 of the employee's average spendable weekly earnings, but not
121 31 more than a weekly benefit amount, rounded to the nearest
121 32 dollar, equal to two hundred percent of the statewide average
121 33 weekly wage paid employees as determined by the department of
121 34 workforce development under section 96.19, subsection 36, and
121 35 in effect at the time of the injury. The minimum weekly



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

122 1 benefit amount is equal to the weekly benefit amount of a
122 2 person whose gross weekly earnings are thirty-five percent of
122 3 the statewide average weekly wage. The weekly compensation is
122 4 payable during the period of the employee's disability.
122 5 b. Such compensation shall be in addition to the benefits
122 6 provided in sections 85.27 and 85.28. No compensation shall
122 7 be payable under this subsection for any injury for which
122 8 compensation is payable under subsection 2 of this section.
122 9 In the event compensation has been paid to any person under
122 10 any provision of this chapter, chapter 85A or chapter 85B for
122 11 the same injury producing a total permanent disability, any
122 12 such amounts so paid shall be deducted from the total amount
122 13 of compensation payable for such permanent total disability.
122 14 Sec. 173. Section 85.45, Code 2007, is amended to read as
122 15 follows:
122 16 85.45 COMMUTATION.
122 17 1. Future payments of compensation may be commuted to a
122 18 present worth lump sum payment on the following conditions:
122 19 ~~1-~~ a. When the period during which compensation is
122 20 payable can be definitely determined.
122 21 ~~2-~~ b. When it shall be shown to the satisfaction of the
122 22 workers' compensation commissioner that such commutation will
122 23 be for the best interest of the person or persons entitled to
122 24 the compensation, or that periodical payments as compared with
122 25 a lump sum payment will entail undue expense, hardship, or
122 26 inconvenience upon the employer liable therefor.
122 27 ~~3-~~ c. When the recipient of commuted benefits is a minor
122 28 employee, the workers' compensation commissioner may order
122 29 that such benefits be paid to a trustee as provided in section
122 30 85.49.
122 31 ~~4-~~ d. When a person seeking a commutation is a surviving
122 32 spouse, an employee with a permanent and total disability, or
122 33 a dependent who is entitled to benefits as provided in section
122 34 85.31, subsection 1, ~~paragraphs "c" and "d"~~ paragraph "a",
122 35 subparagraphs (3) and (4), the future payments which may be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

123 1 commuted shall not exceed the number of weeks which shall be
123 2 indicated by probability tables designated by the workers'
123 3 compensation commissioner for death and remarriage, subject to
123 4 the provisions of chapter 17A.

123 5 2. Future payments of compensation shall not be commuted
123 6 to a present worth lump sum payment when the employee is an
123 7 inmate as set forth in section 85.59.

123 8 Sec. 174. Section 86.8, Code 2007, is amended to read as
123 9 follows:

123 10 86.8 DUTIES.

123 11 1. The commissioner shall:

123 12 ~~1.~~ a. Adopt and enforce rules necessary to implement this
123 13 chapter and chapters 85, 85A, 85B, and 87.

123 14 ~~2.~~ b. Prepare and distribute the necessary blanks
123 15 relating to computation, adjustment, and settlement of
123 16 compensation.

123 17 ~~3.~~ c. Prepare and publish statistical reports and
123 18 analyses regarding the cost, occurrence, and sources of
123 19 employment injuries.

123 20 ~~4.~~ d. Administer oaths and examine books and records of
123 21 parties subject to the workers' compensation laws.

123 22 ~~5.~~ e. Provide a seal for the authentication of orders and
123 23 records and for other purposes as required.

123 24 2. Subject to the approval of the director of the
123 25 department of workforce development, the commissioner may
123 26 enter into contracts with any state agency, with or without
123 27 reimbursement, for the purpose of obtaining the services,
123 28 facilities, and personnel of the agency and with the consent
123 29 of any state agency or political subdivision of the state,
123 30 accept and use the services, facilities, and personnel of the
123 31 agency or political subdivision, and employ experts and
123 32 consultants or organizations in order to expeditiously,
123 33 efficiently, and economically effectuate the purposes of this
123 34 chapter. The agreements under this ~~paragraph~~ subsection are
123 35 subject to approval by the executive council if approval is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

124 1 required by law.
124 2 Sec. 175. Section 88.6, subsection 8, Code 2007, is
124 3 amended to read as follows:
124 4 8. CONFIDENTIALITY. Notwithstanding chapter 22, records
124 5 prepared or obtained by the commissioner relating to an
124 6 enforcement action conducted pursuant to this chapter shall be
124 7 kept confidential until the enforcement action is complete.
124 8 a. For purposes of this subsection, an enforcement action
124 9 is complete when any of the following occurs:
124 10 ~~a.~~ (1) An inspection file is closed without the issuance
124 11 of a citation.
124 12 ~~b.~~ (2) A citation or noncompliance notice resulting from
124 13 an inspection becomes a final order of the employment appeal
124 14 board and all applicable courts pursuant to sections 88.8 and
124 15 88.9, and abatement is verified.
124 16 ~~c.~~ (3) A determination and any subsequent action is final
124 17 in an occupational safety and health discrimination case.
124 18 b. A citation or noncompliance notice shall remain a
124 19 confidential record until received by the appropriate
124 20 employer.
124 21 c. This subsection shall not affect the discovery rights
124 22 of any party to a contested case.
124 23 Sec. 176. Section 88.9, subsections 1 and 3, Code 2007,
124 24 are amended to read as follows:
124 25 1. AGGRIEVED PERSONS.
124 26 a. Judicial review of any order of the appeal board issued
124 27 under section 88.8, subsection 3, may be sought in accordance
124 28 with the terms of the Iowa administrative procedure Act,
124 29 chapter 17A. Notwithstanding the terms of the Iowa
124 30 administrative procedure Act, chapter 17A, petitions for
124 31 judicial review may be filed in the district court of the
124 32 county in which the violation is alleged to have occurred or
124 33 where the employer has its principal office and may be filed
124 34 within sixty days following the issuance of such order. The
124 35 appeal board's copy of the testimony shall be available to all



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

125 1 parties for examination at all reasonable times, without cost,
125 2 and for the purpose of judicial review of the appeal board's
125 3 orders.

125 4 b. The commissioner may obtain judicial review or
125 5 enforcement of any final order or decision of the appeal board
125 6 by filing a petition in the district court of the county in
125 7 which the alleged violation occurred or in which the employer
125 8 has its principal office. The judicial review provisions of
125 9 chapter 17A shall govern such proceedings to the extent
125 10 applicable.

125 11 c. Notwithstanding section 10A.601, subsection 7, and
125 12 chapter 17A, the commissioner has the exclusive right to
125 13 represent the appeal board in any judicial review of an appeal
125 14 board decision under this chapter in which the commissioner
125 15 does not appeal the appeal board decision, except as provided
125 16 by section 88.17.

125 17 3. DISCRIMINATION AND DISCHARGE.

125 18 a. (1) A person shall not discharge or in any manner
125 19 discriminate against an employee because the employee has
125 20 filed a complaint or instituted or caused to be instituted a
125 21 proceeding under or related to this chapter or has testified
125 22 or is about to testify in any such proceeding or because of
125 23 the exercise by the employee on behalf of the employee or
125 24 others of a right afforded by this chapter.

125 25 (2) A person shall not discharge or in any manner
125 26 discriminate against an employee because the employee, who
125 27 with no reasonable alternative, refuses in good faith to
125 28 expose the employee's self to a dangerous condition of a
125 29 nature that a reasonable person, under the circumstances then
125 30 confronting the employee, would conclude that there is a real
125 31 danger of death or serious injury; provided the employee,
125 32 where possible, has first sought through resort to regular
125 33 statutory enforcement channels, unless there has been
125 34 insufficient time due to the urgency of the situation, or the
125 35 employee has sought and been unable to obtain from the person,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

126 1 a correction of the dangerous condition.

126 2 b. (1) An employee who believes that the employee has
126 3 been discharged or otherwise discriminated against by a person
126 4 in violation of this subsection may, within thirty days after
126 5 the violation occurs, file a complaint with the commissioner
126 6 alleging discrimination.

126 7 (2) Upon receipt of the complaint, the commissioner shall
126 8 conduct an investigation as the commissioner deems
126 9 appropriate. If, upon investigation, the commissioner
126 10 determines that the provisions of this subsection have been
126 11 violated, the commissioner shall bring an action in the
126 12 appropriate district court against the person. In any such
126 13 action, the district court has jurisdiction to restrain
126 14 violations of this subsection and order all appropriate relief
126 15 including rehiring or reinstatement of the employee to the
126 16 employee's former position with back pay.

126 17 (3) Within ninety days of the receipt of a complaint filed
126 18 under this subsection, the commissioner shall notify the
126 19 complainant of the commissioner's determination under this
126 20 subsection.

126 21 Sec. 177. Section 96.3, subsection 7, Code 2007, is
126 22 amended to read as follows:

126 23 7. RECOVERY OF OVERPAYMENT OF BENEFITS.

126 24 a. If an individual receives benefits for which the
126 25 individual is subsequently determined to be ineligible, even
126 26 though the individual acts in good faith and is not otherwise
126 27 at fault, the benefits shall be recovered. The department in
126 28 its discretion may recover the overpayment of benefits either
126 29 by having a sum equal to the overpayment deducted from any
126 30 future benefits payable to the individual or by having the
126 31 individual pay to the department a sum equal to the
126 32 overpayment.

126 33 b. If the department determines that an overpayment has
126 34 been made, the charge for the overpayment against the
126 35 employer's account shall be removed and the account shall be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

127 1 credited with an amount equal to the overpayment from the
127 2 unemployment compensation trust fund and this credit shall
127 3 include both contributory and reimbursable employers,
127 4 notwithstanding section 96.8, subsection 5.
127 5 Sec. 178. Section 96.4, subsections 4 and 6, Code 2007,
127 6 are amended to read as follows:
127 7 4. a. The individual has been paid wages for insured work
127 8 during the individual's base period in an amount at least one
127 9 and one-quarter times the wages paid to the individual during
127 10 that quarter of the individual's base period in which the
127 11 individual's wages were highest; provided that the individual
127 12 has been paid wages for insured work totaling at least three
127 13 and five-tenths percent of the statewide average annual wage
127 14 for insured work, computed for the preceding calendar year if
127 15 the individual's benefit year begins on or after the first
127 16 full week in July and computed for the second preceding
127 17 calendar year if the individual's benefit year begins before
127 18 the first full week in July, in that calendar quarter in the
127 19 individual's base period in which the individual's wages were
127 20 highest, and the individual has been paid wages for insured
127 21 work totaling at least one-half of the amount of wages
127 22 required under this subsection in the calendar quarter of the
127 23 base period in which the individual's wages were highest, in a
127 24 calendar quarter in the individual's base period other than
127 25 the calendar quarter in which the individual's wages were
127 26 highest. The calendar quarter wage requirements shall be
127 27 rounded to the nearest multiple of ten dollars.
127 28 b. If the individual has drawn benefits in any benefit
127 29 year, the individual must during or subsequent to that year,
127 30 work in and be paid wages for insured work totaling at least
127 31 two hundred fifty dollars, as a condition to receive benefits
127 32 in the next benefit year.
127 33 6. a. An otherwise eligible individual shall not be
127 34 denied benefits for any week because the individual is in
127 35 training with the approval of the director, nor shall the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

128 1 individual be denied benefits with respect to any week in
128 2 which the individual is in training with the approval of the
128 3 director by reason of the application of the provision in
128 4 subsection 3 of this section relating to availability for
128 5 work, and an active search for work or the provision of
128 6 section 96.5, subsection 3, relating to failure to apply for
128 7 or a refusal to accept suitable work. However, an employer's
128 8 account shall not be charged with benefits so paid.

128 9 b. (1) An otherwise eligible individual shall not be
128 10 denied benefits for a week because the individual is in
128 11 training approved under 19 U.S.C. } 2296(a), as amended by
128 12 section 2506 of the federal Omnibus Budget Reconciliation Act
128 13 of 1981, because the individual leaves work which is not
128 14 suitable employment to enter the approved training, or because
128 15 of the application of subsection 3 of this section or section
128 16 96.5, subsection 3, or a federal unemployment insurance law
128 17 administered by the department relating to availability for
128 18 work, active search for work, or refusal to accept work.

128 19 (2) For purposes of this paragraph, "suitable employment"
128 20 means work of a substantially equal or higher skill level than
128 21 an individual's past adversely affected employment, as defined
128 22 in 19 U.S.C. } 2319(1), if weekly wages for the work are not
128 23 less than eighty percent of the individual's average weekly
128 24 wage.

128 25 Sec. 179. Section 96.6, subsection 3, Code 2007, is
128 26 amended to read as follows:

128 27 3. APPEALS.

128 28 a. Unless the appeal is withdrawn, an administrative law
128 29 judge, after affording the parties reasonable opportunity for
128 30 fair hearing, shall affirm or modify the findings of fact and
128 31 decision of the representative. The hearing shall be
128 32 conducted pursuant to the provisions of chapter 17A relating
128 33 to hearings for contested cases. Before the hearing is
128 34 scheduled, the parties shall be afforded the opportunity to
128 35 choose either a telephone hearing or an in-person hearing. A



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

129 1 request for an in-person hearing shall be approved unless the
129 2 in-person hearing would be impractical because of the distance
129 3 between the parties to the hearing. A telephone or in-person
129 4 hearing shall not be scheduled before the seventh calendar day
129 5 after the parties receive notice of the hearing. Reasonable
129 6 requests for the postponement of a hearing shall be granted.
129 7 The parties shall be duly notified of the administrative law
129 8 judge's decision, together with the administrative law judge's
129 9 reasons for the decision, which is the final decision of the
129 10 department, unless within fifteen days after the date of
129 11 notification or mailing of the decision, further appeal is
129 12 initiated pursuant to this section.

129 13 b. Appeals from the initial determination shall be heard
129 14 by an administrative law judge employed by the department. An
129 15 administrative law judge's decision may be appealed by any
129 16 party to the employment appeal board created in section
129 17 10A.601. The decision of the appeal board is final agency
129 18 action and an appeal of the decision shall be made directly to
129 19 the district court.

129 20 Sec. 180. Section 96.9, subsection 2, Code Supplement
129 21 2007, is amended to read as follows:

129 22 2. ACCOUNTS AND DEPOSITS.

129 23 a. The state treasurer shall be ex officio treasurer and
129 24 custodian of the fund and shall administer such fund in
129 25 accordance with the directions of the department. The
129 26 director of the department of administrative services shall
129 27 issue warrants upon the fund pursuant to the order of the
129 28 department and such warrants shall be paid from the fund by
129 29 the treasurer.

129 30 b. The treasurer shall maintain within the fund three
129 31 separate accounts:

129 32 ~~a.~~ (1) A clearing account.

129 33 ~~b.~~ (2) An unemployment trust fund account.

129 34 ~~c.~~ (3) A benefit account.

129 35 c. All moneys payable to the unemployment compensation



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

130 1 fund and all interest and penalties on delinquent
130 2 contributions and reports shall, upon receipt thereof by the
130 3 department, be forwarded to the treasurer who shall
130 4 immediately deposit them in the clearing account, but the
130 5 interest and penalties on delinquent contributions and reports
130 6 shall not be deemed to be a part of the fund. Refunds of
130 7 contributions payable pursuant to section 96.14 shall be paid
130 8 by the treasurer from the clearing account upon warrants
130 9 issued by the director of the department of administrative
130 10 services under the direction of the department. After
130 11 clearance thereof, all other moneys in the clearing account,
130 12 except interest and penalties on delinquent contributions and
130 13 reports, shall be immediately deposited with the secretary of
130 14 the treasury of the United States to the credit of the account
130 15 of this state in the unemployment trust fund, established and
130 16 maintained pursuant to section 904 of the Social Security Act
130 17 as amended, any provisions of law in this state relating to
130 18 the deposit, administration, release or disbursement of moneys
130 19 in the possession or custody of this state to the contrary
130 20 notwithstanding. Interest and penalties on delinquent
130 21 contributions and reports collected from employers shall be
130 22 transferred from the clearing account to the special
130 23 employment security contingency fund. The benefit account
130 24 shall consist of all moneys requisitioned from this state's
130 25 account in the unemployment trust fund for the payment of
130 26 benefits. Except as herein otherwise provided, moneys in the
130 27 clearing and benefit account may be deposited by the
130 28 treasurer, under the direction of the department, in any bank
130 29 or public depository in which general funds of the state may
130 30 be deposited, but no public deposit insurance charge or
130 31 premium shall be paid out of the fund. The treasurer shall
130 32 give a separate bond conditioned upon the faithful performance
130 33 of the treasurer's duties as custodian of the fund in an
130 34 amount fixed by the governor and in form and manner prescribed
130 35 by law. Premiums for said bond shall be paid from the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

131 1 administration fund.
131 2 d. Interest paid upon the moneys deposited with the
131 3 secretary of the treasury of the United States shall be
131 4 credited to the unemployment compensation fund.
131 5 Sec. 181. Section 96.11, subsections 3 and 10, Code
131 6 Supplement 2007, are amended to read as follows:
131 7 3. PUBLICATIONS.
131 8 a. The director shall cause to be printed for distribution
131 9 to the public the text of this chapter, the department's
131 10 general rules, its annual reports to the governor, and any
131 11 other material the director deems relevant and suitable and
131 12 shall furnish the same to any person upon application
131 13 therefor.
131 14 b. The department shall prepare and distribute to the
131 15 public as labor force data, only that data adjusted according
131 16 to the current population survey and other nonlabor force
131 17 statistics which the department determines are of interest to
131 18 the public.
131 19 10. STATE=FEDERAL COOPERATION.
131 20 a. In the administration of this chapter, the department
131 21 shall cooperate with the United States department of labor to
131 22 the fullest extent consistent with the provisions of this
131 23 chapter, and shall take such action, through the adoption of
131 24 appropriate rules, regulations, administrative methods and
131 25 standards, as may be necessary to secure to this state and its
131 26 citizens all advantages available under the provisions of the
131 27 Social Security Act that relate to unemployment compensation,
131 28 the federal Unemployment Tax Act, the Wagner=Peyser Act, and
131 29 the Federal=State Extended Unemployment Compensation Act of
131 30 1970.
131 31 b. In the administration of the provisions of section
131 32 96.29 which are enacted to conform with the requirements of
131 33 the Federal=State Extended Unemployment Compensation Act of
131 34 1970, the department shall take such action as may be
131 35 necessary to insure that the provisions are so interpreted and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

132 1 applied as to meet the requirements of such federal Act as
132 2 interpreted by the United States department of labor, and to
132 3 secure to this state the full reimbursement of the federal
132 4 share of extended benefits paid under this chapter that are
132 5 reimbursable under the federal Act.
132 6 c. The department shall make such reports, in such form
132 7 and containing such information as the United States
132 8 department of labor may from time to time require, and shall
132 9 comply with such provisions as the United States department of
132 10 labor may from time to time find necessary to assure the
132 11 correctness and verification of such reports; and shall comply
132 12 with the regulations prescribed by the United States
132 13 department of labor governing the expenditures of such sums as
132 14 may be allotted and paid to this state under Title III of the
132 15 Social Security Act for the purpose of assisting in
132 16 administration of this chapter.
132 17 d. The department may make its records relating to the
132 18 administration of this chapter available to the railroad
132 19 retirement board, and may furnish the railroad retirement
132 20 board such copies thereof as the railroad retirement board
132 21 deems necessary for its purposes. The department may afford
132 22 reasonable cooperation with every agency of the United States
132 23 charged with the administration of any unemployment insurance
132 24 law. The railroad retirement board or any other agency
132 25 requiring such services and reports from the department shall
132 26 pay the department such compensation therefor as the
132 27 department determines to be fair and reasonable.
132 28 Sec. 182. Section 96.14, subsection 3, Code Supplement
132 29 2007, is amended to read as follows:
132 30 3. LIEN OF CONTRIBUTIONS == COLLECTION.
132 31 a. Whenever any employer liable to pay contributions
132 32 refuses or neglects to pay the same, the amount, including any
132 33 interest, together with the costs that may accrue in addition
132 34 thereto, shall be a lien in favor of the state upon all
132 35 property and rights to property, whether real or personal,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

133 1 belonging to said employer. An assessment of the unpaid
133 2 contributions, interest and penalty shall be applied as
133 3 provided in section 96.7, subsection 3, paragraphs "a" and
133 4 "b", and the lien shall attach as of the date the assessment
133 5 is mailed or personally served upon the employer and shall
133 6 continue for ten years, or until the liability for the amount
133 7 is satisfied, unless sooner released or otherwise discharged.
133 8 The lien may, within ten years from the date the lien
133 9 attaches, be extended for up to an additional ten years by
133 10 filing a notice during the ninth year with the appropriate
133 11 county official of any county. However, the department may
133 12 release any lien, when after diligent investigation and effort
133 13 it determines that the amount due is not collectible.

133 14 b. In order to preserve the aforesaid lien against
133 15 subsequent mortgagees, purchasers or judgment creditors, for
133 16 value and without notice of the lien, on any property situated
133 17 in a county, the department shall file with the recorder of
133 18 the county, in which said property is located, a notice of
133 19 said lien.

133 20 c. The county recorder of each county shall prepare and
133 21 keep in the recorder's office an index to show the following
133 22 data, under the names of employers, arranged alphabetically:

- 133 23 ~~a.~~ (1) The name of the employer.
- 133 24 ~~b.~~ (2) The name "State of Iowa" as claimant.
- 133 25 ~~c.~~ (3) Time notice of lien was received.
- 133 26 ~~d.~~ (4) Date of notice.
- 133 27 ~~e.~~ (5) Amount of lien then due.
- 133 28 ~~f.~~ (6) When satisfied.

133 29 d. The recorder shall endorse on each notice of lien the
133 30 day, hour, and minute when received and shall index the notice
133 31 in the index and shall record the lien in the manner provided
133 32 for recording real estate mortgages, and the lien shall be
133 33 effective from the time of the indexing of the lien.

133 34 e. The department shall pay a recording fee as provided in
133 35 section 331.604, for the recording of the lien, or for its



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

134 1 satisfaction.

134 2 f. Upon the payment of contributions as to which the
134 3 department has filed notice with a county recorder, the
134 4 department shall forthwith file with said recorder a
134 5 satisfaction of said contributions and the recorder shall
134 6 enter said satisfaction on the notice on file in the
134 7 recorder's office and indicate said fact on the index
134 8 aforesaid.

134 9 g. The department shall, substantially as provided in this
134 10 chapter and chapter 626, proceed to collect all contributions
134 11 as soon as practicable after they become delinquent, except
134 12 that no property of the employer is exempt from payment of the
134 13 contributions.

134 14 h. If, after due notice, any employer defaults in any
134 15 payment of contributions or interest thereon, the amount due
134 16 may be collected by civil action in the name of the department
134 17 and the employer adjudged in default shall pay the costs of
134 18 such action. Civil actions brought under this section to
134 19 collect contributions or interest thereon from an employer
134 20 shall be heard by the court at the earliest possible date and
134 21 shall be entitled to preference upon the calendar of the court
134 22 over all other civil actions except petitions for judicial
134 23 review under this chapter and cases arising under the workers'
134 24 compensation law of this state.

134 25 i. It is expressly provided that the foregoing remedies of
134 26 the state shall be cumulative and that no action taken by the
134 27 department shall be construed to be an election on the part of
134 28 the state or any of its officers to pursue any remedy
134 29 hereunder to the exclusion of any other remedy provided by
134 30 law.

134 31 j. The courts of this state shall recognize and enforce
134 32 liabilities for unemployment contributions, penalties,
134 33 interest, and benefit overpayments imposed by other states
134 34 which extend a like comity to this state. The department may
134 35 sue in the courts of any other jurisdiction which extends such



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

135 1 comity to collect unemployment contributions, penalties,
135 2 interest, and benefit overpayments due this state. The
135 3 officials of other states which, by statute or otherwise,
135 4 extend a like comity to this state may sue in the district
135 5 court to collect for such contributions, penalties, interest,
135 6 and benefit overpayments. In any such case the director, as
135 7 agent for and on behalf of any other state, may institute and
135 8 conduct such suit for such other state. Venue of such
135 9 proceedings shall be the same as for actions to collect
135 10 delinquent contributions, penalties, interest, and benefit
135 11 overpayments due under this chapter. A certificate by the
135 12 secretary of any such state attesting the authority of such
135 13 official to collect the contributions, penalties, interest,
135 14 and benefit overpayments, is conclusive evidence of such
135 15 authority. The requesting state shall pay the court costs.

135 16 k. If a political subdivision or a political subdivision
135 17 instrumentality becomes delinquent in the payment of
135 18 contributions, any payments owed as a government employer,
135 19 penalty, interest and costs for more than two calendar
135 20 quarters, the amount of such delinquency shall be deducted
135 21 from any further moneys due the employer by the state. Such
135 22 deduction shall be made by the director of the department of
135 23 administrative services upon certification of the amount due.
135 24 A copy of the certification will be mailed to the employer.

135 25 l. If an amount due from a governmental entity of this
135 26 state remains due and unpaid for a period of one hundred
135 27 twenty days after the due date, the director shall take action
135 28 as necessary to collect the amount and shall levy against any
135 29 funds due the governmental entity from the state treasurer,
135 30 director of the department of administrative services, or any
135 31 other official or agency of this state, or against an account
135 32 established by the entity in any bank. The official, agency,
135 33 or bank shall deduct the amount certified by the director from
135 34 any accounts or deposits or any funds due the delinquent
135 35 governmental entity without regard to any prior claim and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

136 1 shall promptly forward the amount to the director for the
136 2 fund. However, the director shall notify the delinquent
136 3 entity of the director's intent to file a levy by certified
136 4 mail at least ten days prior to filing the levy on any funds
136 5 due the entity from any state official or agency.
136 6 Sec. 183. Section 96.16, subsection 5, Code 2007, is
136 7 amended to read as follows:
136 8 5. EXPERIENCE AND TAX RATE AVOIDANCE.
136 9 a. If a person knowingly violates or attempts to violate
136 10 section 96.7, subsection 2, paragraph "b", subparagraph (2) or
136 11 (3), with respect to a transfer of unemployment experience, or
136 12 if a person knowingly advises another person in a way that
136 13 results in a violation of such subparagraph, the person shall
136 14 be subject to the penalties established in this subsection.
136 15 If the person is an employer, the employer shall be assigned a
136 16 penalty rate of contribution of two percent of taxable wages
136 17 in addition to the regular contribution rate assigned for the
136 18 year during which such violation or attempted violation
136 19 occurred and for the two rate years immediately following. If
136 20 the person is not an employer, the person shall be subject to
136 21 a civil penalty of not more than five thousand dollars for
136 22 each violation which shall be deposited in the unemployment
136 23 trust fund, and shall be used for payment of unemployment
136 24 benefits. In addition to any other penalty imposed in this
136 25 subsection, violations described in this subsection shall also
136 26 constitute an aggravated misdemeanor.
136 27 b. For purposes of this subsection, ~~"knowingly":~~
136 28 (1) "Knowingly" means having actual knowledge of or acting
136 29 with deliberate ignorance of or reckless disregard for the
136 30 requirement or prohibition involved. ~~For purposes of this~~
136 31 ~~subsection, "violates~~
136 32 (2) "Violates or attempts to violate" includes, but is not
136 33 limited to, the intent to evade, misrepresentation, and
136 34 willful nondisclosure.
136 35 Sec. 184. Section 96.19, subsection 18, paragraph a,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

137 1 subparagraphs (3) and (7), Code 2007, are amended to read as
137 2 follows:

137 3 (3) (a) Any individual other than an individual who is an
137 4 employee under subparagraphs (1) or (2) who performs services
137 5 for remuneration for any person as an agent driver or
137 6 commission driver engaged in distributing meat products,
137 7 vegetable products, fruit products, bakery products, beverages
137 8 (other than milk), or laundry or dry cleaning services for the
137 9 individual's principal; as a traveling or city salesperson,
137 10 other than as an agent driver or commission driver, engaged
137 11 upon a full-time basis in the solicitation on behalf of, and
137 12 the transmission to, the individual's principal (except for
137 13 sideline sales activities on behalf of some other person) of
137 14 orders from wholesalers, retailers, contractors, or operators
137 15 of hotels, restaurants, or other similar establishments for
137 16 merchandise for resale or supplies for use in their business
137 17 operations.

137 18 (b) Provided, that for purposes of ~~paragraph "a"~~, this
137 19 subparagraph (3), the term "employment" shall include services
137 20 performed after December 31, 1971, only if:

137 21 ~~(a)~~ (i) The contract of service contemplates that
137 22 substantially all of the services are to be performed
137 23 personally by such individual;

137 24 ~~(b)~~ (ii) The individual does not have a substantial
137 25 investment in facilities used in connection with the
137 26 performance of the services (other than in facilities for
137 27 transportation); and

137 28 ~~(c)~~ (iii) The services are not in the nature of single
137 29 transaction that is not part of a continuing relationship with
137 30 the person for whom the services are performed.

137 31 (7) (a) A person in agricultural labor when such labor is
137 32 performed for an employing unit which during any calendar
137 33 quarter in the calendar year or the preceding calendar year
137 34 paid remuneration in cash of twenty thousand dollars or more
137 35 to individuals employed in agricultural labor excluding labor



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

138 1 performed before January 1, 1980, by an alien referred to in
138 2 this subparagraph; or on each of some twenty days during the
138 3 calendar year or the preceding calendar year, each day being
138 4 in a different calendar week, employed in agricultural labor
138 5 for some portion of the day ten or more individuals, excluding
138 6 labor performed before January 1, 1980, by an alien referred
138 7 to in this subparagraph; and such labor is not agricultural
138 8 labor performed before January 1, 1980, by an individual who
138 9 is an alien admitted to the United States to perform
138 10 agricultural labor pursuant to sections 214(c) and
138 11 101(a)(15)(H) of the Immigration and Nationality Act, 8 U.S.C.
138 12 } 1184(c), 1101(a)(15)(H) (1976). For purposes of this
138 13 subparagraph subdivision, "employed" shall not include
138 14 services performed by agricultural workers who are aliens
138 15 admitted to the United States to perform labor pursuant to
138 16 section 101(a)(15)(H)(ii)(a) of the Immigration and
138 17 Nationality Act and who are not covered under the Federal
138 18 Unemployment Tax Act.

138 19 (b) For purposes of this subparagraph, any individual who
138 20 is a member of a crew furnished by a crew leader to perform
138 21 agricultural labor for any other employing unit shall be
138 22 treated as an employee of such crew leader if such crew leader
138 23 holds a valid certificate of registration under the Farm Labor
138 24 Contractor Registration Act of 1963; or substantially all the
138 25 members of such crew operate or maintain tractors, mechanized
138 26 harvesting or cropdusting equipment, or any other mechanized
138 27 equipment, which is provided by such crew leader; and if such
138 28 individual is not otherwise in employment as defined in this
138 29 subsection.

138 30 (c) For purposes of this subparagraph (7), in the case of
138 31 any individual who is furnished by a crew leader to perform
138 32 agricultural labor for any other employing unit and who is not
138 33 treated as an employee of such crew leader as described above,
138 34 such other employing unit and not the crew leader shall be
138 35 treated as the employer of such individual; and such other



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

139 1 employing unit shall be treated as having paid cash
139 2 remuneration to such individual in an amount equal to the
139 3 amount of cash remuneration paid to such individual by the
139 4 crew leader either on the crew leader's behalf or on behalf of
139 5 such other employing unit for the agricultural labor performed
139 6 for such other employing unit.

139 7 (d) For purposes of this ~~subsection~~ subparagraph (7), the
139 8 term "crew leader" means an employing unit which furnishes
139 9 individuals to perform agricultural labor for any other
139 10 employing unit; pays, either on the crew leader's behalf or on
139 11 behalf of such other employing unit, the individuals so
139 12 furnished by the crew leader for the agricultural labor
139 13 performed by them; and has not entered into a written
139 14 agreement with such other employing unit under which such
139 15 individual is designated as an employee of such other
139 16 employing unit.

139 17 Sec. 185. Section 96.19, subsection 38, paragraph b, Code
139 18 2007, is amended to read as follows:

139 19 b. An individual shall be deemed partially unemployed in
139 20 any week in which, ~~while~~ either of the following apply:

139 21 (1) While employed at the individual's then regular job,
139 22 the individual works less than the regular full-time week and
139 23 in which the individual earns less than the individual's
139 24 weekly benefit amount plus fifteen dollars.

139 25 (2) ~~An individual shall be deemed partially unemployed in~~
139 26 ~~any week in which the~~ The individual, having been separated
139 27 from the individual's regular job, earns at odd jobs less than
139 28 the individual's weekly benefit amount plus fifteen dollars.

139 29 Sec. 186. Section 97A.8, subsection 3, Code 2007, is
139 30 amended to read as follows:

139 31 3. EXPENSE FUND.

139 32 a. The expense fund shall be the fund to which shall be
139 33 credited all money provided by the state of Iowa to pay the
139 34 administration expenses of the system and from which shall be
139 35 paid all the expenses necessary in connection with the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

140 1 administration and operation of the system. Biennially the
140 2 board of trustees shall estimate the amount of money necessary
140 3 to be paid into the expense fund during the ensuing biennium
140 4 to provide for the expense of operation of the system.
140 5 Investment management expenses shall be charged to the
140 6 investment income of the system and there is appropriated from
140 7 the system an amount required for the investment management
140 8 expenses. The board of trustees shall report the investment
140 9 management expenses for the fiscal year as a percent of the
140 10 market value of the system.

140 11 b. For purposes of this subsection, investment management
140 12 expenses are limited to the following:

140 13 ~~a.~~ (1) Fees for investment advisors, consultants, and
140 14 investment management and benefit consultant firms hired by
140 15 the board of trustees in administering this chapter.

140 16 ~~b.~~ (2) Fees and costs for safekeeping fund assets.

140 17 ~~c.~~ (3) Costs for performance and compliance monitoring,
140 18 and accounting for fund investments.

140 19 ~~d.~~ (4) Any other costs necessary to prudently invest or
140 20 protect the assets of the fund.

140 21 Sec. 187. Section 97B.1A, subsection 8, paragraph a,
140 22 subparagraph (2), Code 2007, is amended to read as follows:

140 23 (2) Members of the general assembly of Iowa and temporary
140 24 employees of the general assembly of Iowa.

140 25 (a) A member of the general assembly covered under this
140 26 chapter may terminate membership under this chapter by
140 27 informing the system in writing of the member's intent to
140 28 terminate membership.

140 29 (b) Temporary employees of the general assembly covered
140 30 under this chapter may terminate membership by sending written
140 31 notification to the system of their separation from service.

140 32 Sec. 188. Section 97B.70, subsection 1, paragraph b, Code
140 33 2007, is amended to read as follows:

140 34 b. The interest dividend shall be determined within sixty
140 35 days after the end of each calendar year as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

141 1 (1) The dividend rate for a calendar year shall be the
141 2 excess of the average rate of interest earned for the year
141 3 over the statutory two percent rate plus twenty-five
141 4 hundredths of one percent.
141 5 (2) The average rate of interest earned and the interest
141 6 dividend rate in percent shall be calculated to the nearest
141 7 one hundredth, that is, to two decimal places.
141 8 (3) Interest and interest dividends calculated pursuant to
141 9 this subsection shall be compounded annually.
141 10 Sec. 189. Section 99B.1, subsection 13, Code Supplement
141 11 2007, is amended to read as follows:
141 12 13. a. "Eligible applicant" means an applicant who meets
141 13 all of the following requirements:
141 14 a. (1) The applicant's financial standing and good
141 15 reputation are within the standards established by the
141 16 department by rule under chapter 17A so as to satisfy the
141 17 director of the department that the applicant will comply with
141 18 this chapter and the rules applicable to operations under it.
141 19 ~~b.~~ (2) The applicant is a citizen of the United States
141 20 and a resident of this state, or a corporation licensed to do
141 21 business in this state, or a business that has an established
141 22 place of business in this state or that is doing business in
141 23 this state.
141 24 e. (3) The applicant has not been convicted of a felony.
141 25 However, if the applicant's conviction occurred more than five
141 26 years before the date of the application for a license, and if
141 27 the applicant's rights of citizenship have been restored by
141 28 the governor, the director of the department may determine
141 29 that the applicant is an eligible applicant.
141 30 b. If the applicant is an organization, then the
141 31 requirements of ~~paragraphs~~ paragraph "a", "b", and "c"
141 32 subparagraphs (1) through (3), apply to its the officers,
141 33 directors, partners and controlling shareholders of the
141 34 organization.
141 35 Sec. 190. Section 99B.7, subsection 3, paragraphs b and c,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

142 1 Code 2007, are amended to read as follows:
142 2 b. (1) A person or the agent of a person submitting
142 3 application to conduct games pursuant to this section as a
142 4 qualified organization shall certify that the receipts of all
142 5 games, less reasonable expenses, charges, fees, taxes, and
142 6 deductions allowed by this chapter, either will be distributed
142 7 as prizes to participants or will be dedicated and distributed
142 8 to educational, civic, public, charitable, patriotic or
142 9 religious uses in this state and that the amount dedicated and
142 10 distributed will equal at least seventy-five percent of the
142 11 net receipts.
142 12 (2) (a) "Educational, civic, public, charitable,
142 13 patriotic, or religious uses" means uses benefiting a society
142 14 for the prevention of cruelty to animals or animal rescue
142 15 league, or uses benefiting an indefinite number of persons
142 16 either by bringing them under the influence of education or
142 17 religion or relieving them from disease, suffering, or
142 18 constraint, or by erecting or maintaining public buildings or
142 19 works, or otherwise lessening the burden of government, or
142 20 uses benefiting any bona fide nationally chartered fraternal
142 21 or military veterans' corporation or organization which
142 22 operates in Iowa a clubroom, post, dining room, or dance hall,
142 23 but does not include the erection, acquisition, improvement,
142 24 maintenance, or repair of real, personal or mixed property
142 25 unless it is used for one or more of the uses stated.
142 26 (b) "Public uses" specifically includes dedication of net
142 27 receipts to political parties as defined in section 43.2.
142 28 (c) "Charitable uses" includes uses benefiting a definite
142 29 number of persons who are the victims of loss of home or
142 30 household possessions through explosion, fire, flood, or storm
142 31 when the loss is uncompensated by insurance, and uses
142 32 benefiting a definite number of persons suffering from a
142 33 seriously disabling disease or injury, causing severe loss of
142 34 income or incurring extraordinary medical expense when the
142 35 loss is uncompensated by insurance.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

143 1 (3) Proceeds given to another charitable organization to
143 2 satisfy the seventy=five percent dedication requirement shall
143 3 not be used by the donee to pay any expenses in connection
143 4 with the conducting of bingo by the donor organization, or for
143 5 any cause, deed, or activity that would not constitute a valid
143 6 dedication under this section.

143 7 c. (1) A qualified organization shall distribute amounts
143 8 awarded as prizes on the day they are won. A qualified
143 9 organization shall dedicate and distribute the balance of the
143 10 net receipts received within a quarter and remaining after
143 11 deduction of reasonable expenses, charges, fees, taxes, and
143 12 deductions allowed by this chapter, before the quarterly
143 13 report required for that quarter under section 99B.2,
143 14 subsection 4, is due. The amount dedicated and distributed
143 15 must equal at least seventy=five percent of the net receipts.
143 16 A person desiring to hold the net receipts for a period longer
143 17 than permitted under this paragraph shall apply to the
143 18 department for special permission and upon good cause shown
143 19 the department may grant the request.

143 20 (2) If permission is granted to hold the net receipts, the
143 21 person shall, as a part of the quarterly report required by
143 22 section 99B.2, report the amount of money currently being held
143 23 and all expenditures of the funds. This report shall be filed
143 24 even if the person no longer holds a gambling license.

143 25 Sec. 191. Section 99D.25, subsection 10, Code Supplement
143 26 2007, is amended to read as follows:

143 27 10. Veterinarians must submit daily to the commission
143 28 veterinarian on a prescribed form a report of all medications
143 29 and other substances which the veterinarian prescribed,
143 30 administered, or dispensed for horses registered at a current
143 31 race meeting. A logbook detailing other professional services
143 32 performed while on the grounds of a racetrack shall be kept by
143 33 veterinarians and shall be made immediately available to the
143 34 commission veterinarian or the stewards upon request.

143 35 11. A person who violates this section is guilty of a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

144 1 class "D" felony.

144 2 Sec. 192. Section 100.1, unnumbered paragraphs 1 and 2,
144 3 Code Supplement 2007, are amended to read as follows:

144 4 The chief officer of the division of state fire marshal in
144 5 the department of public safety shall be known as the state
144 6 fire marshal. The fire marshal's duties shall be as follows:

144 7 ~~The fire marshal's duties shall be as follows:~~

144 8 Sec. 193. Section 101.22, subsection 7, Code 2007, is
144 9 amended to read as follows:

144 10 7. It is unlawful to deposit petroleum in an aboveground
144 11 petroleum storage tank which has not been registered pursuant
144 12 to subsections 1 through 4.

144 13 8. The state fire marshal shall furnish the owner or
144 14 operator of an aboveground petroleum storage tank with a
144 15 registration tag for each aboveground petroleum storage tank
144 16 registered with the state fire marshal. The owner or operator
144 17 shall affix the tag to the fill pipe of each registered
144 18 aboveground petroleum storage tank. A person who conveys or
144 19 deposits petroleum shall inspect the aboveground petroleum
144 20 storage tank to determine the existence or absence of the
144 21 registration tag. If a registration tag is not affixed to the
144 22 aboveground petroleum storage tank fill pipe, the person
144 23 conveying or depositing the petroleum may deposit the
144 24 petroleum in the unregistered tank. However, the deposit is
144 25 allowed only in the single instance, that the person provides
144 26 the owner or operator with another notice as required by
144 27 subsection 5, and that the person provides the owner or
144 28 operator with an aboveground petroleum storage tank
144 29 registration form. It is the owner or operator's duty to
144 30 comply with registration requirements. A late registration
144 31 penalty of twenty-five dollars is imposed in addition to the
144 32 registration fee for a tank registered after the required
144 33 date.

144 34

DIVISION III

144 35

CONFORMING AMENDMENTS TO VOLUME I RENUMBERING



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

145 1 Sec. 194. Section 10B.7, unnumbered paragraph 1, Code
145 2 Supplement 2007, is amended to read as follows:
145 3 Lessees of agricultural land under section 9H.4, subsection
145 4 ~~2~~ 1, paragraph ~~"e"~~ "b", subparagraph (3), for research or
145 5 experimental purposes, shall file a biennial report with the
145 6 secretary of state on or before March 31 of each odd-numbered
145 7 year on forms adopted pursuant to chapter 17A and supplied by
145 8 the secretary of state. However, a lessee required to file a
145 9 biennial report pursuant to chapter 490, 490A, 496C, 497, 498,
145 10 499, 501, 501A, or 504 shall file the report required by this
145 11 section in the same year as required by that chapter. The
145 12 lessee may file the report required by this section together
145 13 with the biennial report required to be filed by one of the
145 14 other chapters referred to in this paragraph. The report
145 15 shall contain the following information for the reporting
145 16 period:
145 17 Sec. 195. Section 11.36, subsection 1, Code Supplement
145 18 2007, is amended to read as follows:
145 19 1. The auditor of state may, at the request of a
145 20 department, review, during normal business hours upon
145 21 reasonable notice of at least twenty-four hours, the audit
145 22 working papers prepared by a certified public accountant
145 23 covering the receipt and expenditure of state or federal funds
145 24 provided by the department to any other entity to determine if
145 25 the receipt and expenditure of those funds by the entity is
145 26 consistent with the laws, rules, regulations, and contractual
145 27 agreements governing those funds. Upon completion of the
145 28 review, the auditor of state shall report whether, in the
145 29 auditor of state's judgment, the auditor of state believes the
145 30 certified public accountant's working papers adequately
145 31 demonstrate that the laws, rules, regulations, and contractual
145 32 agreements governing the funds have been substantially
145 33 complied with. If the auditor of state does not believe the
145 34 certified public accountant's working papers adequately
145 35 demonstrate that the laws, rules, regulations, and contractual



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

146 1 agreements have been substantially complied with or believes a
146 2 complete or partial reaudit is necessary based on the
146 3 provisions of section 11.6, subsection 4, paragraph "a" ~~or~~
146 4 ~~"b"~~, subparagraph (1) or (2), the auditor of state shall
146 5 notify the certified public accountant and the department of
146 6 the actions the auditor of state believes are necessary to
146 7 determine whether the entity is in substantial compliance with
146 8 those laws, rules, regulations, and contractual agreements.
146 9 The auditor of state may assist departments with actions to
146 10 determine whether the entity is in substantial compliance.
146 11 Departments requesting the review shall reimburse the auditor
146 12 of state for the cost of the review and any subsequent
146 13 assistance provided by the auditor of state.

146 14 Sec. 196. Section 49.13, subsection 1, Code Supplement
146 15 2007, is amended to read as follows:

146 16 1. The membership of each precinct election board shall be
146 17 appointed by the commissioner, not less than fifteen days
146 18 before each election held in the precinct, from the election
146 19 board panel drawn up as provided in section 49.15. Precinct
146 20 election officials shall be registered voters of the county,
146 21 or other political subdivision within which precincts have
146 22 been merged across county lines pursuant to section 49.11,
146 23 subsection ~~±~~ 3, paragraph "a", in which they are appointed.
146 24 Preference shall be given to appointment of residents of a
146 25 precinct to serve as precinct election officials for that
146 26 precinct, but the commissioner may appoint other residents of
146 27 the county where necessary.

146 28 Sec. 197. Section 49.16, subsection 2, Code 2007, is
146 29 amended to read as follows:

146 30 2. When all or portions of two or more precincts are
146 31 merged for any election as permitted by section 49.11,
146 32 subsection ~~±~~ 3, paragraph "a", the commissioner may appoint
146 33 the election board for the merged precinct from the election
146 34 board panels of any of the precincts so merged. When any
146 35 permanent precinct is divided as permitted by section 49.11,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

147 1 subsection ~~2~~ 3, paragraph "b", the commissioner shall so far
147 2 as possible appoint the election board for each of the
147 3 temporary precincts so created from the election board panel
147 4 of the permanent precinct.
147 5 Sec. 198. Section 87.11, subsection 4, Code Supplement
147 6 2007, is amended to read as follows:
147 7 4. Notwithstanding contrary provisions of section 85.45,
147 8 any future payment of medical expenses, weekly compensation
147 9 benefits, or other payments by the commissioner of insurance
147 10 from the security given under this section, pursuant to this
147 11 chapter or chapter 85, 85A, 85B, or 86, shall be deemed an
147 12 undue expense, hardship, or inconvenience upon the employer
147 13 for purposes of a full commutation pursuant to section 85.45,
147 14 subsection ~~2~~ 1, paragraph "b".
147 15 Sec. 199. Section 96.4, subsection 3, Code 2007, is
147 16 amended to read as follows:
147 17 3. The individual is able to work, is available for work,
147 18 and is earnestly and actively seeking work. This subsection
147 19 is waived if the individual is deemed partially unemployed,
147 20 while employed at the individual's regular job, as defined in
147 21 section 96.19, subsection 38, paragraph "b", ~~unnumbered~~
~~147 22 paragraph 1 subparagraph (1)~~, or temporarily unemployed as
147 23 defined in section 96.19, subsection 38, paragraph "c". The
147 24 work search requirements of this subsection and the
147 25 disqualification requirement for failure to apply for, or to
147 26 accept suitable work of section 96.5, subsection 3 are waived
147 27 if the individual is not disqualified for benefits under
147 28 section 96.5, subsection 1, paragraph "h".
147 29 Sec. 200. Section 279.48, subsection 1, paragraph b, Code
147 30 2007, is amended to read as follows:
147 31 b. The note may bear interest at a rate to be determined
147 32 by the board of directors in the manner provided in section
147 33 74A.3, subsection 1, paragraph "a". Chapter 75 is not
147 34 applicable.
147 35 Sec. 201. Section 331.756, subsection 12, Code Supplement



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

148 1 2007, is amended to read as follows:

148 2 12. Submit reports as to the condition and operation of
148 3 the county attorney's office when required by the attorney
148 4 general as provided in section 13.2, subsection § 1, paragraph
148 5 "h".

148 6 Sec. 202. Section 515B.5, subsection 2, paragraph h, Code
148 7 2007, is amended to read as follows:

148 8 h. Request that all future payments of workers'
148 9 compensation weekly benefits, medical expenses, or other
148 10 payments under chapter 85, 85A, 85B, 86, or 87 be commuted to
148 11 a present lump sum and upon the payment of which, either to
148 12 the claimant or to a licensed insurer for purchase of an
148 13 annuity or other periodic payment plan for the benefit of the
148 14 claimant, the employer and the association shall be discharged
148 15 from all further liability for the workers' compensation
148 16 claim. Notwithstanding the provisions of section 85.45, any
148 17 future payment of medical expenses, weekly compensation
148 18 benefits, or other payment by the association under this
148 19 chapter pursuant to chapter 85, 85A, 85B, 86, or 87, is deemed
148 20 an undue expense, hardship, or inconvenience upon the employer
148 21 for purposes of a full commutation pursuant to section 85.45,
148 22 subsection § 1, paragraph "b", and the workers' compensation
148 23 commissioner shall fix the lump sum of the probable future
148 24 medical expenses and weekly compensation benefits capitalized
148 25 at their present value upon the basis of interest at the rate
148 26 provided in section 535.3 for court judgments and decrees.

148 27 DIVISION IV

148 28 Sec. 203. CODE EDITOR DIRECTIVE.

148 29 1. The Code editor is directed to renumber the following
148 30 Code sections in accordance with established Code section
148 31 hierarchy and correct internal references as necessary:

148 32 a. Sections 8.22, 15D.1, 28A.1, 28K.1, 29C.21, 29C.22,
148 33 152E.1, 221.1, 232.158, 232.171, 256.70, 261D.2, 272A.1,
148 34 272B.1, 307C.1, 321C.1, 321D.1, 457B.1, 473A.1, 505A.1,
148 35 692B.2, 818.1, 821.1, 907B.2, and 913.2, Code 2007.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

149 1 b. Sections 152E.3 and 327K.1, Code Supplement 2007.
149 2 2. The Code editor is directed to number or renumber
149 3 provisions within the following Code sections to eliminate
149 4 unnumbered paragraphs and correct internal references as
149 5 necessary:
149 6 a. Sections 2.45, 2C.12, 6A.4, 6A.22, 6B.2, 6B.3, 6B.54,
149 7 6B.56, 7C.4A, 7D.1, 7D.6, 8A.502, 8A.504, 9C.8, 9E.6A, 9H.5,
149 8 10A.106, 12B.10C, 12C.6, 12D.1, 12D.8, 15.272, 15.329, 15.343,
149 9 15E.61, 15E.111, 15E.195, 15E.207, 16.105, 17A.6, 17A.9,
149 10 17A.17, 20.1, 20.22, 21.4, 25B.2, 28.4, 28A.10, 28B.1, 28E.23,
149 11 29B.15, 29B.28, 29B.31, 29B.40, 29B.47, 29B.50, 29B.51,
149 12 29B.53, 29B.55, 29B.63, 29B.65, 29B.91, 34A.2, 34A.8, 35C.1,
149 13 37.18, 39.2, 43.24, 43.49, 43.56, 43.67, 44.4, 47.2, 48A.19,
149 14 48A.28, 49.4, 49.47, 50.29, 50.30, 53.1, 53.3, 53.45, 68B.31,
149 15 70A.1, 70A.15, 70A.25, 80.37, 85.3, 85.35, 85A.11, 85B.8,
149 16 87.4, 89.2, 89A.8, 89B.17, 91B.1, 91C.3, 91C.7, 91E.2, 92.2,
149 17 92.6, 96.3, 96.7, 96.7A, 96.13, 96.19, 96.23, 96.29, 96.40,
149 18 97.51, 97A.6, 97A.6B, 97A.8, 97A.10, 97B.1A, 97B.8A, 97B.34A,
149 19 97B.42A, 97B.48A, 97B.49G, 97B.52, 97B.53B, 99B.2, 99B.7,
149 20 99D.13, 99F.4A, 100.39, 103A.7, 103A.9, and 103A.20, Code
149 21 2007.
149 22 b. Sections 8A.311, 8A.321, 8A.376, 8A.415, 11.2, 12C.23,
149 23 15.335, 15A.9, 15E.194, 15E.305, 22.7, 39.22, 45.1, 49.8,
149 24 52.25, 68A.402, 72.5, 80B.13, 80D.3, 96.5, 99D.5, and 103A.19,
149 25 Code Supplement 2007.

DIVISION V

EFFECTIVE DATES == APPLICABILITY

149 27 Sec. 204. EFFECTIVE DATES == APPLICABILITY.
149 28 1. The section of this Act, amending 2007 Iowa Acts,
149 29 chapter 182, section 3, being deemed of immediate importance,
149 30 takes effect upon enactment and applies retroactively to May
149 31 24, 2007.
149 32 2. The sections of this Act, amending 2007 Iowa Acts,
149 33 chapter 197, sections 33, 34, 35, 36, 38, 41, 42, and 43,
149 34 being deemed of immediate importance, take effect upon
149 35



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

150 1 enactment and apply effective January 1, 2009.
150 2 3. The section of this Act, amending section 104C.2,
150 3 subsection 8, as enacted by 2007 Iowa Acts, chapter 198,
150 4 section 2, takes effect July 1, 2008.
150 5 4. The sections of this Act, amending 2007 Iowa Acts,
150 6 chapter 198, sections 10, 11, and 18, take effect July 1,
150 7 2008.

150 8 EXPLANATION

150 9 This bill makes Code changes and corrections that are
150 10 considered to be nonsubstantive and noncontroversial, in
150 11 addition to style changes. Changes made include updating or
150 12 correcting various names of and references to public and
150 13 private entities and funds, correcting internal Code and
150 14 subject matter references, and making various grammatical
150 15 corrections. The Code sections in which the technical,
150 16 grammatical, and other nonsubstantive changes are made include
150 17 all of the following:

150 18 DIVISION I. Code section 2.28: Eliminates a section
150 19 self-reference in a reference to several Code sections by
150 20 substituting the words "this section" for a numerical
150 21 reference to the Code section and including the other
150 22 referenced sections in a through reference.

150 23 Code section 7K.1(2)(i): Corrects the spelling of the word
150 24 "nonwhite" by eliminating a hyphen.

150 25 Code section 12C.16: Renumbers and corrects a United
150 26 States Code citation to the federal Investment Company Act in
150 27 this provision relating to the deposit of public funds.

150 28 Code section 15.393(1) and (2)(a)(2): In a provision
150 29 providing for registration of projects for purposes of
150 30 receiving assistance pursuant to the film, television, and
150 31 video project promotion program, inserts "criteria" for
150 32 grammatical correctness and to agree with a provision
150 33 referring to other criteria. This bill also strikes a
150 34 redundant reference to "graphics" in a provision defining
150 35 "qualified expenditure" for purposes of receiving assistance



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

151 1 under the program.
151 2 Code section 16.181(1)(b)(1): Adds "former" to a reference
151 3 to the Iowa housing corporation in a provision establishing
151 4 the housing trust fund. Code sections 16.5A and 16.5B
151 5 providing for the Iowa housing corporation were repealed in
151 6 2007.
151 7 Code section 35.9: Deletes the words "of veterans affairs"
151 8 which appear after the word "department". The term
151 9 "department" is defined for purposes of Code chapter 35,
151 10 entitled "Veterans Affairs", as meaning the "Iowa department
151 11 of veterans affairs".
151 12 Code section 42.4(8)(b)(2): Specifies that a copy of each
151 13 resignation by an incumbent senator shall be filed with the
151 14 secretary of state if more than one incumbent senator in a
151 15 holdover senatorial district resigns in a provision relating
151 16 to redistricting plans.
151 17 Code section 85.61: Adds the word "chapter" after the word
151 18 "this" to clarify that the provisions of Code chapter 85 are
151 19 included within the list of Code chapters referenced.
151 20 Code section 87.2: Numbers the first and last unnumbered
151 21 paragraphs and adds the word "chapter" after the word "this"
151 22 to clarify that the provisions of Code chapter 87 are included
151 23 within the list of Code chapters referenced.
151 24 Code section 97D.4(1) and (4): Rearranges and designates
151 25 unnumbered paragraphs in subsection 1 that describe the
151 26 membership and meetings of the public retirement systems
151 27 committee and restructures language in subsection 4 describing
151 28 acts which may be performed by that committee.
151 29 Code section 99B.10B(3)(b)(1): Substitutes "registration"
151 30 for "registrant" in a provision relating to the denial,
151 31 suspension, or revocation of the registration for an
151 32 electrical or mechanical amusement device.
151 33 Code section 99F.12(2): Breaks a very long sentence into
151 34 smaller sentences in a provision describing regulation of
151 35 racetracks by the racing and gaming commission of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

152 1 department of inspections and appeals.
152 2 Code sections 99G.30A(2)(b), 423B.6(2)(b), and 455B.455:
152 3 Substitutes "through" for "to" in order to indicate inclusive
152 4 references to Code sections in Code chapters 422 and 423 for
152 5 purposes of referencing the provisions of those Code chapters
152 6 applicable to the administration of the monitor vending
152 7 machine excise tax, local sales and services taxes, and land
152 8 burial surcharge tax.
152 9 Code section 100.18: Renumbers this Code section relating
152 10 to the installation of smoke detectors and redesignates the
152 11 two unnumbered paragraphs of subsection 3 as lettered
152 12 paragraphs.
152 13 Code section 101B.4(1)(b): Corrects the name of the
152 14 American society of testing and materials international in
152 15 this provision relating to testing of cigarette ignition
152 16 strength.
152 17 Code sections 103.1(8) and 103.9(1): Adds a numeric
152 18 reference to Code chapter 91C, relating to construction
152 19 contractors, where there are references to being registered
152 20 with the state as a contractor to facilitate electronic
152 21 hypertext linkage to that Code chapter.
152 22 Code section 103.6: Renumbers and moves language in this
152 23 provision describing the powers and duties of the electrical
152 24 examining board.
152 25 Code section 103.22(1) and (3): Makes grammatical changes
152 26 for readability in provisions providing for the
152 27 inapplicability of the Code chapter relating to electricians
152 28 and electrical contractors.
152 29 Code sections 123A.2(9) and 554.13103(3): Substitutes a
152 30 reference to Code section 554.1201 for a reference to Code
152 31 section 554.2103 in definitions of good faith for purposes of
152 32 the beer brewers and wholesalers Code chapter and for purpose
152 33 of article 13 of the uniform commercial code, relating to
152 34 leases. The definition of good faith was stricken from Code
152 35 section 554.2103 in 2007.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

153 1 Code section 135N.5(1): Corrects an incorrect reference to
153 2 Code chapter 20 in a provision stating that the hemophilia
153 3 advisory committee is subject to the Code chapter regulating
153 4 public records. Code chapter 22 regulates public records.
153 5 Code section 141A.9(2)(i): Inserts "if requested by the
153 6 victim" in a provision directing HIV-related test results to
153 7 be made available for release, pursuant to Code section
153 8 915.43, to the physician of a victim to agree with the
153 9 provision in Code section 915.43.
153 10 Code section 147.14(23): Eliminates a Code chapter
153 11 self-reference by substituting the words "this chapter" for
153 12 the numeric reference to the Code chapter.
153 13 Code section 147.37: Updates language relating to the
153 14 testing of certain candidates for licensure as health care
153 15 professionals.
153 16 Code section 148.3(1): Substitutes "the board" for "them"
153 17 in a reference to the board of medicine.
153 18 Code sections 159.20, 175A.2, 178.3, 181.3, 182.5, 183A.2,
153 19 185.3, 185C.10, and 459.102: Updates references to the name
153 20 of the college of agriculture and life sciences at Iowa state
153 21 university of science and technology.
153 22 Code section 214A.2B: Corrects a reference to an American
153 23 society for testing and materials international standard for
153 24 biodiesel testing that is to be conducted in a merged area
153 25 school laboratory.
153 26 Code section 216.9(2): Adds the noun "school" to agree
153 27 with the adjectives elementary and secondary in a list of
153 28 educational institutions subject to certain prohibitions on
153 29 unfair or discriminatory practices.
153 30 Code section 231D.5: Redesignate a subsection as a
153 31 lettered paragraph and moves another lettered paragraph to the
153 32 end of the series of paragraphs in this provision relating to
153 33 denial, suspension, or revocation of certification of adult
153 34 day services programs.
153 35 Code section 234.7(1): Combines two paragraphs that



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

154 1 describe a requirement that the department of human services
154 2 include a child's foster parent in department planning and
154 3 review activities associated with the child.
154 4 Code section 236.5(2): Changes the term "protection order"
154 5 to "protective order" in these provisions relating to court
154 6 orders in domestic abuse cases to conform to the actual name
154 7 given these types of orders elsewhere in this Code chapter and
154 8 Code chapter 664A.
154 9 Code section 249A.30A: Clarifies the intent of a provision
154 10 relating to persons who may receive the personal needs
154 11 allowance under the medical assistance program by completing
154 12 fragmented portions of a sentence.
154 13 Code section 256C.3(4)(d): Substitutes "professional
154 14 development" and "professional development plan" for "career
154 15 development" and "career development plan" to agree with
154 16 changes made to Code section 284.6, referenced therein, in
154 17 2007.
154 18 Code section 257.11(6)(c): Substitutes "education" for
154 19 "educational" for correct usage of the term "area education
154 20 agency".
154 21 Code sections 308.3(1, 4, and 5), 308.4(3)(b), and
154 22 308.9(1): Adds hyphens in a definition of the term
154 23 "right-of-way" in Code section 308.3 and makes conforming
154 24 changes elsewhere in the same provision and elsewhere in the
154 25 Code chapter.
154 26 Code section 321.52(4)(c) and NEW (5): Moves language
154 27 applicable to the entire Code section, which directs the state
154 28 department of transportation to adopt rules to implement
154 29 provisions relating to out-of-state sales and junked,
154 30 dismantled, wrecked, or salvage vehicles, to its own
154 31 subsection.
154 32 Code section 321J.15: Strikes an incorrect placement of
154 33 the word "substances" in a provision allowing the admission of
154 34 evidence of the alcohol concentration or the presence of a
154 35 controlled substance or other drugs in a person's body in an



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

155 1 operating while intoxicated proceeding.
155 2 Code section 403A.6: Updates the style and conforms the
155 3 numbering in this provision to conform to existing Code
155 4 hierarchy.
155 5 Code sections 403A.7, 452A.53, 554.2315, 554.2502,
155 6 554.2503, 554.2604, 554.2615, 554.2616, 554.2703, 554.2704,
155 7 554.2709, 554.2711, 554.2712, 554.2714, 554.2719, 554.13309,
155 8 633.113, 633.305, 633.426, 820.14, and 820.15: Substitutes,
155 9 for the words "the preceding", "the preceding sections
155 10 hereof", or "the next", the appropriate numeric references
155 11 that bear that relationship to the enumerated Code sections
155 12 and updates the style of many of those Code sections to
155 13 conform to current Code section style.
155 14 Code section 423.4(8)(d): Substitutes "are" for "is" to
155 15 agree with the plural "dates" in a provision relating to the
155 16 eligibility of an information technology facility to receive a
155 17 refund of the sales or use tax upon the sales price of all
155 18 sales of fuel used in creating heat, power, and steam for
155 19 processing or generating electrical current, or from the sale
155 20 of electricity consumed by computers, machinery, or other
155 21 equipment for operation of the technology facility.
155 22 Code sections 453A.31(2)(c) and 453A.50(3)(a)(3): Adds the
155 23 word "one" before the words "thousand dollar penalty" so that
155 24 the phrase will read "one thousand dollar penalty".
155 25 Code section 455B.109(1): Numbers an unnumbered paragraph
155 26 that describes the time frame for imposition of penalties as a
155 27 separate subsection. The unnumbered paragraph currently
155 28 appears at the end of a subsection that lists the factors to
155 29 be considered by the environmental protection commission when
155 30 penalties are imposed.
155 31 Code section 469.9(2) and (4)(b)(2): Makes grammatical
155 32 changes to agree with language used in identifying the goals
155 33 of and eligibility criteria for the Iowa power fund.
155 34 Code section 469.10(3) and (4): Substitutes "industry" for
155 35 "industrial" to cite the correct name for the north American



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

156 1 industry classification system in a provision making
156 2 appropriations to the Iowa power fund. In addition, the bill
156 3 substitutes "Iowa power fund" for "funds" to accurately
156 4 indicate that interest or earnings on moneys in the power
156 5 fund, rather than interest or earnings on moneys in the
156 6 workforce training and economic development funds of the
156 7 community colleges referred to elsewhere in the Code section,
156 8 shall be credited to the power fund.
156 9 Code section 477.5: Makes a grammatical correction in a
156 10 phrase so that it reads "shall no longer" rather than "shall
156 11 not longer".
156 12 Code section 479.29(2): Deletes the redundant word
156 13 "licensed" in a reference to "licensed professional engineer .
156 14 . . licensed under chapter 542B".
156 15 Code section 483A.24(3) and (4): Changes "the subsection"
156 16 to "this subsection" in two internal references.
156 17 Code section 512B.9(2): Renumbers and corrects internal
156 18 references in language relating to reimbursement of expenses
156 19 and liabilities incurred by an officer or member of the
156 20 governing body or any subordinate entity of a fraternal
156 21 benefit society due to a proceeding against that person by
156 22 reason of that person's status as an officer or member of that
156 23 governing body or subordinate entity.
156 24 Code section 554.7601A(2): Strikes the word "stolen" in a
156 25 provision relating to removal or sale of goods in a warehouse
156 26 if the warehouse receipt is lost or destroyed, to agree with
156 27 the rest of the subsection.
156 28 Code section 614.1(5): Substitutes "subsection 6" for "the
156 29 next subsection" for internal reference purposes.
156 30 Code section 633.700, unnn. par. 1: Makes punctuation
156 31 changes for readability in a provision requiring an
156 32 intermediate report from a probate trustee.
156 33 Code section 718A.1, unnn. par. 1: Substitutes "chapter"
156 34 for "section" to provide that the definitions in the Code
156 35 section apply to the entire Code chapter, relating to the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

157 1 desecration of a flag or other insignia.
157 2 Code section 729.1: Reorders a reference to Article I,
157 3 section 4, of the Iowa Constitution to facilitate electronic
157 4 hypertext linkage to that constitution provision.
157 5 Code section 915.20A(1): Corrects the name of the Iowa
157 6 coalition against sexual assault in a provision relating to
157 7 victim counselor privilege.
157 8 2007 Iowa Acts, chapter 182, section 3(1): Changes,
157 9 retroactive to May 24, 2007, a reference to the "effective
157 10 date of this Act" in an Acts provision enacting Code section
157 11 101C.3, by referring to the "section of this Act" because that
157 12 section of that Act had an effective date of May 24, 2007,
157 13 which was different from the rest of that 2007 Iowa Acts
157 14 chapter.
157 15 2007 Iowa Acts, chapter 197, sections 33(1), 35, 42(3), and
157 16 43(1): Changes, effective January 1, 2009, references to
157 17 "owner" to "property owner" in provisions relating to
157 18 inspections of electrical installations which take effect
157 19 January 1, 2009, to agree with terms used in similar
157 20 provisions. The bill also makes grammatical changes in
157 21 section 35 for readability.
157 22 2007 Iowa Acts, chapter 197, section 34(2): Inserts,
157 23 effective January 1, 2009, the word "stringent" in a provision
157 24 relating to the electrical wiring standards of a political
157 25 subdivision for grammatical correctness and to agree with
157 26 another similar provision in section 39 of that chapter.
157 27 2007 Iowa Acts, chapter 197, sections 36, 38(2), and 41(4):
157 28 Changes the phrase "standards of construction for safety to
157 29 health and property" to read "standards of construction for
157 30 health safety and property safety" for readability and
157 31 grammatical correctness. The changes to sections 36, 38, and
157 32 41 are effective January 1, 2009.
157 33 2007 Iowa Acts, chapter 198, section 2: Amends, effective
157 34 July 1, 2008, a definition of the term "hydronic" that is
157 35 contained in Code section 104C.2, subsection 8, as enacted in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 708 continued

158 1 this 2007 Iowa Act, by adding a comma between the words
158 2 "liquid" and "water" to clarify a series.
158 3 2007 Iowa Acts, chapter 198, sections 10(3), 11(1), and
158 4 18(2)(c)(3): Makes grammatical changes effective July 1,
158 5 2008, in provisions relating to the licensing and regulation
158 6 of plumbers and mechanical professionals which take effect
158 7 July 1, 2008.
158 8 Code sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2, 322.2,
158 9 322.4, 322.7, 329.1, 428.28, 428.29, 433.12, 438.1, 438.2,
158 10 438.3, 453A.1, 476.44, 536.4, 536.5, 536.19, 536A.17, 543B.31,
158 11 589.8, 589.24, 624.27, 624.28, 727.2, and 730.2: Substitutes,
158 12 for the word "copartnership", the word "partnership" in these
158 13 provisions. The term "copartnership" and "partnership" are
158 14 equivalent terms, but "partnership" is more commonly known and
158 15 used.
158 16 Code sections 214A.2, 258.16, 260C.40, and 282.17:
158 17 Substitutes the term "community college" for the archaic term
158 18 "merged area school". Merged area school used to refer to
158 19 community colleges and vocational=technical schools. The
158 20 technical schools were merged into and became community
158 21 colleges in 1990 as a result of the enactment of 1990 Iowa
158 22 Acts, ch. 1253.
158 23 DIVISION II. The Code sections in this division are
158 24 amended by numbering and renumbering the provisions within
158 25 volume I, and scattered provisions in volumes II through VI,
158 26 and by changing textual references as necessary. The purposes
158 27 of the numbering and renumbering are to conform certain
158 28 provisions to existing Code section hierarchy, to eliminate
158 29 "unanchored" unnumbered paragraphs within the Code sections,
158 30 to facilitate Code section readability, and to facilitate
158 31 citation to those Code provisions.
158 32 DIVISION III. The Code sections in this division are
158 33 amended by correcting internal references to provisions which
158 34 are numbered or renumbered in division II of the bill.
158 35 DIVISION IV. The Code editor is directed to number and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 708 continued

159 1 renumber these Code sections within the Code that are listed
159 2 in this division of the bill and correct internal references
159 3 to those Code sections which will need to be changed due to
159 4 the renumbering. The first directive includes the budget
159 5 language that is established for the office of the governor
159 6 and all of the interstate compacts and agreements that are
159 7 contained in the Code. The second directive provides for the
159 8 renumbering of Code sections that are within volume I of the
159 9 Code.
159 10 LSB 5697HC 82
159 11 lh/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 710

HOUSE FILE
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON HUSER)

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to reimbursement of costs incurred by a private
- 2 entity hired by a police authority to dispose of an abandoned
- 3 vehicle.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6423HC 82
- 6 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 710 continued

PAG LIN

1 1 Section 1. Section 321.89, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. AUCTION OF ABANDONED VEHICLES.
1 4 a. If an abandoned vehicle has not been reclaimed as
1 5 provided for in subsection 3, the police authority or private
1 6 entity shall make a determination as to whether or not the
1 7 vehicle shall be sold for use upon the highways. If the
1 8 vehicle is not sold for use upon the highways, it shall be
1 9 sold for junk, or demolished and sold as scrap. The police
1 10 authority or private entity shall sell the vehicle at public
1 11 auction. Notwithstanding any other provision of this section,
1 12 a police authority or private entity may dispose of the
1 13 vehicle to a demolisher for junk without public auction after
1 14 complying with the notification procedures in subsection 3.
1 15 The purchaser of the vehicle takes title free and clear of all
1 16 liens and claims of ownership, shall receive a sales receipt
1 17 from the police authority or private entity, and is entitled
1 18 to register the vehicle and receive a certificate of title if
1 19 sold for use upon the highways. If the vehicle is sold or
1 20 disposed of to a demolisher for junk, the demolisher shall
1 21 make application for a junking certificate to the county
1 22 treasurer within thirty days of purchase and shall surrender
1 23 the sales receipt in lieu of the certificate of title.
1 24 b. From the proceeds of the sale of an abandoned vehicle
1 25 the police authority, ~~if the police authority did not hire a~~
1 26 ~~or private entity, that sold the vehicle at auction~~ shall
1 27 reimburse itself for the expenses of the auction, the costs of
1 28 towing, preserving, and storing which resulted from placing
1 29 the abandoned vehicle in custody, all notice and publication
1 30 costs incurred pursuant to subsection 3, the cost of
1 31 inspection, and any other costs incurred except costs of
1 32 bookkeeping and other administrative costs. Any remainder
1 33 from the proceeds of a sale shall be held for the owner of the
1 34 vehicle or entitled lienholder for ninety days, and shall then
1 35 be deposited in the road use tax fund. The costs to police



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 710 continued

2 1 authorities or private entities of auction, towing,
2 2 preserving, storage, and all notice and publication costs, and
2 3 all other costs which result from placing abandoned vehicles
2 4 in custody, whenever the proceeds from a sale of the abandoned
2 5 vehicles are insufficient to meet these expenses and costs,
2 6 shall be paid from the road use tax fund and are the
2 7 obligation of the last owner or owners, jointly and severally.
2 8 c. The director of transportation shall establish by rule
2 9 a claims procedure to be followed by police authorities in
2 10 obtaining expenses and costs from the fund and procedures for
2 11 reimbursement of expenses and costs to a private entity hired
2 12 to take custody of an abandoned vehicle. If a private entity
2 13 has been hired, the police authority shall file a claim with
2 14 the department for reimbursement of towing fees which shall be
2 15 paid from the road use tax fund.

2 16 EXPLANATION

2 17 This bill revises provisions relating to the sale of an
2 18 abandoned vehicle by a private entity hired by a police
2 19 authority. Under current law, a police authority that
2 20 auctions an abandoned vehicle is entitled to full
2 21 reimbursement from the proceeds of the auction for expenses of
2 22 the auction, towing costs, costs of preserving and storing the
2 23 vehicle, notice and publication costs, inspection costs, and
2 24 any other costs except bookkeeping and administrative costs.
2 25 If the proceeds of the auction are insufficient to cover all
2 26 of those costs, the costs are to be paid from the road use tax
2 27 fund, although the costs are the obligation of the last owner
2 28 of the vehicle. The bill specifies that if a private entity
2 29 hired by a police authority sells an abandoned vehicle at
2 30 auction, the private entity shall reimburse itself for the
2 31 same costs a police authority is entitled to, and if the
2 32 proceeds of the auction are insufficient to cover those costs,
2 33 the costs shall be paid from the road use tax fund.

2 34 Currently, a private entity, upon filing a claim, is
2 35 reimbursed from the road use tax fund for towing fees in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 710 continued

- 3 1 connection with an abandoned vehicle. That guaranty is
- 3 2 retained under the bill.
- 3 3 LSB 6423HC 82
- 3 4 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714

HOUSE FILE
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON HUSER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act relating to the crediting of fees collected by the
2 department of transportation, repealing the use tax on
3 vehicles subject to registration and the use tax on certain
4 leased motor vehicles, and establishing a fee for new
5 registration of vehicles, making penalties applicable, and
6 providing an effective date.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 5396YC 82
9 dea/nh/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

PAG LIN

1 1 DIVISION I
 1 2 ROAD USE TAX FUND
 1 3 Section 1. Section 312.1, Code 2007, is amended to read as
 1 4 follows:
 1 5 312.1 FUND CREATED.
 1 6 1. There is hereby created, in the state treasury, a road
 1 7 use tax fund. ~~Said~~ The road use tax fund shall ~~embrace and~~
 1 8 include all of the following:
 1 9 ~~1.~~ a. All the net proceeds of the registration of motor
 1 10 vehicles under chapter 321.
 1 11 ~~2.~~ b. All the net proceeds of the motor fuel tax or
 1 12 license fees under chapter 452A.
 1 13 ~~3.~~ c. Revenue derived from the excise tax imposed upon
 1 14 the rental of automobiles, under chapter 423C, ~~as to the~~
 1 15 extent provided by section 423C.5.
~~1 16 4. To the extent provided in section 423.43, subsection 1,~~
~~1 17 paragraph "b", from revenue derived from the use tax, under~~
~~1 18 chapter 423 on motor vehicles, trailers, and motor vehicle~~
~~1 19 accessories and equipment.~~
 1 20 ~~5.~~ d. Any other funds which may by law be credited to the
 1 21 road use tax fund.
 1 22 2. Notwithstanding section 12C.7, subsection 2, interest
 1 23 or earnings on investments or time deposits of the moneys in
 1 24 the road use tax fund and the funds to which moneys from the
 1 25 road use tax fund are credited shall be credited to the road
 1 26 use tax fund.
 1 27 Sec. 2. Section 312.2, subsections 14 and 16, Code
 1 28 Supplement 2007, are amended by striking the subsections.
 1 29 Sec. 3. Section 312.2, Code Supplement 2007, is amended by
 1 30 adding the following new subsection:
 1 31 NEW SUBSECTION. 19. The treasurer of state, before making
 1 32 the allotments provided for in this section, shall credit
 1 33 monthly from the road use tax fund to the state department of
 1 34 transportation an amount equal to twenty percent of the
 1 35 revenues collected from the operation of section 321.105A, to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

2 1 be credited and deposited as follows: one-half to the road
2 2 use tax fund and one-half to the primary road fund to be used
2 3 for the commercial and industrial highway network.

2 4 Sec. 4. Section 321.52A, Code 2007, is amended to read as
2 5 follows:

2 6 321.52A CERTIFICATE OF TITLE SURCHARGE == ALLOCATION OF
2 7 MONEYS.

2 8 ~~1-~~ In addition to the fee required for the issuance of a
2 9 certificate of title under section 321.20, 321.20A, 321.23,
2 10 321.42, 321.46, 321.47, 321.48, 321.50, or 321.52, a surcharge
2 11 of five dollars shall be required. Of each surcharge
2 12 collected under those sections, the county treasurer shall
2 13 remit five dollars to the office of treasurer of state for
2 14 deposit as set forth in section 321.145, subsection 2.

2 15 ~~2. For the fiscal year beginning July 1, 2002, through the~~
~~2 16 fiscal year beginning July 1, 2006, the treasurer of state~~
~~2 17 shall deposit twenty percent of the moneys received under~~
~~2 18 subsection 1 in the waste tire management fund and deposit the~~
~~2 19 remainder in the road use tax fund. For the fiscal year~~
~~2 20 beginning July 1, 2007, and each subsequent fiscal year, the~~
~~2 21 treasurer of state shall deposit the entire amount of moneys~~
~~2 22 received under subsection 1 in the road use tax fund.~~

2 23 Sec. 5. Section 321.145, Code 2007, is amended to read as
2 24 follows:

2 25 321.145 DISPOSITION OF MONEYS AND FEES.

2 26 1. Except for fines, forfeitures, court costs, and the
2 27 collection fees retained by the county treasurer pursuant to
2 28 section 321.152, and except as provided in subsections 2 and
2 29 3, moneys and motor vehicle license registration fees

2 30 collected under this chapter shall be credited by the
2 31 treasurer of state to the road use tax fund.

2 32 2. a. Revenues derived from fees charged for driver's
2 33 licenses and nonoperator's identification cards, fees charged
2 34 for the issuance of a certificate of title, and the
2 35 certificate of title surcharge collected pursuant to section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

3 1 321.52A, shall be credited as follows:

3 2 (1) An amount equal to one-twentieth of eighty percent of
3 3 the revenue from the operation of section 321.105A shall be
3 4 credited to the department, to be used for purposes of public
3 5 transit assistance under chapter 324A.

3 6 (2) An amount equal to one dollar per year of license
3 7 validity for each issued or renewed driver's license which is
3 8 valid for the operation of a motorcycle shall be credited to
3 9 the motorcycle education fund established under section
3 10 321.180B.

3 11 (3) The amounts required to be transferred pursuant to
3 12 section 321.34 from revenues available under this subsection
3 13 shall be transferred and credited as provided in section
3 14 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18,
3 15 19, 20, 20A, 20B, 21, 22, 23, and 24 for the various purposes
3 16 specified in those subsections.

3 17 b. Any such revenues remaining shall be credited to the
3 18 road use tax fund.

3 19 3. The department may direct the treasurer of state to
3 20 credit to the primary road fund any amount of revenues derived
3 21 from trailer registration fees collected pursuant to sections
3 22 321.105 and 321.105A to the extent necessary to reimburse that
3 23 fund for the expenditures not otherwise eligible to be made
3 24 from the primary road fund, which are made for repairing,
3 25 improving, and maintaining bridges over the rivers bordering
3 26 the state. Expenditures for those portions of bridges within
3 27 adjacent states may be included when they are made pursuant to
3 28 an agreement entered into under section 313.63, 313A.34, or
3 29 314.10.

3 30 Sec. 6. Section 423C.5, Code 2007, is amended to read as
3 31 follows:

3 32 423C.5 DEPOSIT OF REVENUE.

3 33 The department, at the direction of the department of
3 34 transportation, shall credit the revenue arising from the
3 35 operation of this chapter ~~shall be credited~~, as necessary to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

4 1 supplement the funds available for the purposes specified in
4 2 section 321.145, subsection 2, paragraph "a". Any such
4 3 revenue remaining shall be credited to the road use tax fund.
4 4 Sec. 7. Section 424.7, subsection 4, Code 2007, is amended
4 5 to read as follows:
4 6 4. Upon receipt of a payment pursuant to this chapter, the
4 7 department shall deposit the moneys as follows:
4 8 a. Up to a maximum of four million two hundred fifty
4 9 thousand dollars per quarter shall be deposited into and
4 10 credited to the Iowa comprehensive petroleum underground
4 11 storage tank fund created in section 455G.3, and the moneys so
4 12 deposited are a continuing appropriation for expenditure under
4 13 chapter 455G, and moneys so appropriated shall not be used for
4 14 other purposes.
4 15 b. Any such moneys remaining shall be deposited into the
4 16 road use tax fund created in section 312.1.
4 17 DIVISION II
4 18 FEE FOR NEW VEHICLE REGISTRATION
4 19 Sec. 8. Section 321.1, Code 2007, is amended by adding the
4 20 following new subsection:
4 21 NEW SUBSECTION. 59A. "Registration fees", unless
4 22 otherwise specified, means both the annual vehicle
4 23 registration fee and the fee for new registration, to the
4 24 extent applicable, for purposes of administering the
4 25 provisions of this chapter concerning vehicle registration
4 26 fees.
4 27 Sec. 9. Section 321.2, Code 2007, is amended to read as
4 28 follows:
4 29 321.2 DEPARTMENT.
4 30 1. The Except as otherwise provided by law, the state
4 31 department of transportation shall administer and enforce the
4 32 provisions of this chapter.
4 33 2. The division of state patrol of the department of
4 34 public safety shall enforce the provisions of this chapter
4 35 relating to traffic on the public highways of the state,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

5 1 including those relating to the safe and legal operation of
5 2 passenger cars, motorcycles, motor trucks and buses, and to
5 3 see that proper safety rules are observed.

5 4 3. The state department of transportation and the
5 5 department of public safety shall cooperate to insure the
5 6 proper and adequate enforcement of the provisions of this
5 7 chapter.

5 8 4. The director of revenue shall administer and enforce
5 9 the collection of the fee for new registration as provided in
5 10 section 321.105A.

5 11 Sec. 10. NEW SECTION. 321.105A FEE FOR NEW REGISTRATION.

5 12 1. DEFINITIONS. The following terms, when used in this
5 13 section, shall have the following meanings, except in those
5 14 instances where the context clearly indicates otherwise:

5 15 a. "Department" means the department of revenue.

5 16 b. "Director" means the director of revenue.

5 17 c. "Owner" means as defined in section 321.1. For
5 18 purposes of the fee for new registration imposed on leased
5 19 vehicles under subsection 3, "owner" means the "lessor".

5 20 d. "Purchase" means any transfer, exchange, or barter,
5 21 conditional or otherwise, in any manner or by any means
5 22 whatsoever, for consideration.

5 23 2. In addition to the annual registration fee required
5 24 under section 321.105, a "fee for new registration" is imposed
5 25 in the amount of five percent of the purchase price for each
5 26 vehicle subject to registration. The fee for new registration
5 27 shall be paid by the owner of the vehicle to the county
5 28 treasurer at the time application is made for original
5 29 registration for a vehicle. A new registration receipt shall
5 30 not be issued until the fee has been paid. The county
5 31 treasurer or the department of transportation shall require
5 32 every applicant for a new registration receipt for a vehicle
5 33 subject to registration to supply information as the county
5 34 treasurer or the director deems necessary as to the time of
5 35 purchase, the purchase price, and other information relative



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

6 1 to the purchase of the vehicle. On or before the tenth day of
6 2 each month, the county treasurer or the department of
6 3 transportation shall remit to the department of revenue the
6 4 amount of the fees for new registration collected during the
6 5 preceding month.

6 6 a. For purposes of this subsection, "purchase price"
6 7 applies to the measure subject to the fee for new
6 8 registration. "Purchase price" shall be determined in the
6 9 same manner as "sales price" is determined for purposes of
6 10 computing the tax imposed upon the sales price of tangible
6 11 personal property under chapter 423, pursuant to the
6 12 definition in section 423.1, subsection 47, subject to the
6 13 following exemptions:

6 14 (1) Exempted from the purchase price of any vehicle
6 15 subject to registration is the amount of any cash rebate which
6 16 is provided by a motor vehicle manufacturer to the purchaser
6 17 of the vehicle subject to registration so long as the rebate
6 18 is applied to the purchase price of the vehicle.

6 19 (2) (a) In transactions, except those subject to
6 20 subparagraph subdivision (b), in which a vehicle subject to
6 21 registration is traded toward the purchase price of another
6 22 vehicle subject to registration, the purchase price is only
6 23 that portion of the purchase price which is valued in money,
6 24 whether received in money or not, if the following conditions
6 25 are met:

6 26 (i) The vehicle traded to the retailer is the type of
6 27 vehicle normally sold in the regular course of the retailer's
6 28 business.

6 29 (ii) The vehicle traded to the retailer is intended by the
6 30 retailer to be ultimately sold at retail or is intended to be
6 31 used by the retailer or another in the remanufacturing of a
6 32 like vehicle.

6 33 (b) In a transaction between persons, neither of which is
6 34 a retailer of vehicles subject to registration, in which a
6 35 vehicle subject to registration is traded toward the purchase



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

7 1 price of another vehicle subject to registration, the amount
7 2 of the trade-in value allowed on the vehicle subject to
7 3 registration traded is exempted from the purchase price.
7 4 (c) In order for the trade-in value to be excluded from
7 5 the purchase price, the name or names on the title and
7 6 registration of the vehicle being purchased must be the same
7 7 name or names on the title and registration of the vehicle
7 8 being traded. The following trades qualify under this
7 9 subparagraph subdivision (c):
7 10 (i) A trade involving spouses, if the traded vehicle and
7 11 the acquired vehicle are titled in the name of one or both of
7 12 the spouses, with no outside party named on the title.
7 13 (ii) A trade involving a grandparent, parent, or child,
7 14 including adopted and step relationships, if the name of one
7 15 of the family members from the title of the traded vehicle is
7 16 also on the title of the newly acquired vehicle.
7 17 (iii) A trade involving a business, if one of the owners
7 18 listed on the title of the traded vehicle is a business, and
7 19 the names on the title are separated by "or".
7 20 (iv) A trade in which the vehicle being purchased is
7 21 titled in the name of an individual other than the owner of
7 22 the traded vehicle due to the cosigning requirements of a
7 23 financial institution.
7 24 (3) Exempted from the purchase price of a replacement
7 25 motor vehicle owned by a motor vehicle dealer licensed under
7 26 chapter 322 which is being registered by that dealer and is
7 27 not otherwise exempt from the fee for new registration is the
7 28 fair market value of a replaced motor vehicle if all of the
7 29 following conditions are met:
7 30 (a) The motor vehicle being registered is being placed in
7 31 service as a replacement motor vehicle for a motor vehicle
7 32 registered by the motor vehicle dealer.
7 33 (b) The motor vehicle being registered is taken from the
7 34 motor vehicle dealer's inventory.
7 35 (c) The fee for new registration on the motor vehicle



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

8 1 being replaced was paid by the motor vehicle dealer when that
8 2 motor vehicle was registered.

8 3 (d) The replaced motor vehicle is returned to the motor
8 4 vehicle dealer's inventory for sale.

8 5 (e) The application for registration and title of the
8 6 motor vehicle being registered is filed with the county
8 7 treasurer within two weeks of the date the replaced motor
8 8 vehicle is returned to the motor vehicle dealer's inventory.

8 9 (f) The motor vehicle being registered is placed in the
8 10 same or substantially similar service as the replaced motor
8 11 vehicle.

8 12 b. For purposes of this subsection, the fee for new
8 13 registration on a vehicle registered in this state by the
8 14 manufacturer of that vehicle from a manufacturer's statement
8 15 of origin is calculated on the base value of fifty percent of
8 16 the retail list price of the vehicle.

8 17 c. The following are exempt from the fee for new
8 18 registration imposed under this subsection, as long as a valid
8 19 affidavit is filed with the county treasurer at the time of
8 20 application for registration:

8 21 (1) Entities listed in section 423.3, subsections 17, 18,
8 22 19, 20, 21, 22, 26, 27, 28, 31, and 79, to the extent that
8 23 those entities are exempt from the tax imposed on the sale of
8 24 tangible personal property, consisting of goods, wares, or
8 25 merchandise, sold at retail in the state to consumers or
8 26 users.

8 27 (2) Vehicles as defined in section 321.1, subsections 41,
8 28 64A, 71, 85, and 88, except such vehicles subject to
8 29 registration which are designed primarily for carrying
8 30 persons, when purchased for lease and actually leased to a
8 31 lessee for use outside the state of Iowa and the subsequent
8 32 sole use in Iowa is in interstate commerce or interstate
8 33 transportation.

8 34 (3) (a) Vehicles subject to registration which are
8 35 transferred from a business or individual conducting a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

9 1 business within this state as a sole proprietorship,
9 2 partnership, or limited liability company to a corporation
9 3 formed by the sole proprietorship, partnership, or limited
9 4 liability company for the purpose of continuing the business
9 5 when all of the stock of the corporation so formed is owned by
9 6 the sole proprietor and the sole proprietor's spouse, by all
9 7 the partners in the case of a partnership, or by all the
9 8 members in the case of a limited liability company. This
9 9 exemption is equally available where the vehicles subject to
9 10 registration are transferred from a corporation to a sole
9 11 proprietorship, partnership, or limited liability company
9 12 formed by that corporation for the purpose of continuing the
9 13 business when all of the incidents of ownership are owned by
9 14 the same person or persons who were stockholders of the
9 15 corporation.

9 16 (b) This exemption also applies where the vehicles subject
9 17 to registration are transferred from a corporation as part of
9 18 the liquidation of the corporation to its stockholders if
9 19 within three months of such transfer the stockholders
9 20 retransfer those vehicles subject to registration to a sole
9 21 proprietorship, partnership, or limited liability company for
9 22 the purpose of continuing the business of the corporation when
9 23 all of the incidents of ownership are owned by the same person
9 24 or persons who were stockholders of the corporation.

9 25 (c) This exemption applies to corporations that have been
9 26 in existence for not longer than twenty-four months.

9 27 (4) Vehicles subject to registration which are transferred
9 28 from a corporation that is primarily engaged in the business
9 29 of leasing vehicles subject to registration to a corporation
9 30 that is primarily engaged in the business of leasing vehicles
9 31 subject to registration when the transferor and transferee
9 32 corporations are part of the same controlled group for federal
9 33 income tax purposes.

9 34 (5) (a) Vehicles registered or operated under chapter 326
9 35 and used substantially in interstate commerce. For purposes



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

10 1 of this subparagraph (5), "substantially in interstate
10 2 commerce" means that a minimum of twenty-five percent of the
10 3 miles operated by the vehicle accrues in states other than
10 4 Iowa. This subparagraph (5) applies only to vehicles which
10 5 are registered for a gross weight of thirteen tons or more.
10 6 (b) For purposes of this subparagraph (5), trailers and
10 7 semitrailers registered or operated under chapter 326 are
10 8 deemed to be used substantially in interstate commerce and to
10 9 be registered for a gross weight of thirteen tons or more.
10 10 (c) For the purposes of this subparagraph (5), if a
10 11 vehicle meets the requirement that twenty-five percent of the
10 12 miles operated accrues in states other than Iowa in each year
10 13 of the first four-year period of operation, the exemption from
10 14 the fee for new registration shall continue until the vehicle
10 15 is sold or transferred. If the vehicle is found to have not
10 16 met the exemption requirements or the exemption was revoked,
10 17 the value of the vehicle upon which the fee for new
10 18 registration shall be imposed is based on the original
10 19 purchase price if revocation or nonqualification for this
10 20 exemption occurs during the first year following registration.
10 21 If revocation or nonqualification for this exemption occurs
10 22 after the first year following registration, the value of the
10 23 vehicle upon which the fee shall be imposed is the book or
10 24 market value, whichever is less, at the time the exemption
10 25 requirements were not met or the exemption was revoked.
10 26 (6) Vehicles subject to registration in any state when
10 27 purchased for rental or registered and titled by a motor
10 28 vehicle dealer licensed pursuant to chapter 322 for rental
10 29 use, and held for rental for a period of one hundred twenty
10 30 days or more and actually rented for periods of sixty days or
10 31 less by a person regularly engaged in the business of renting
10 32 vehicles including but not limited to motor vehicle dealers
10 33 licensed pursuant to chapter 322 who rent automobiles to
10 34 users, if the rental of the vehicles is subject to taxation
10 35 under chapter 423C.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

- 11 1 (7) Vehicles subject to registration in this state for
11 2 which the applicant for registration has paid to another state
11 3 a state sales, use, or occupational tax. However, if the tax
11 4 paid to another state is less than the fee for new
11 5 registration calculated for the vehicle, the difference shall
11 6 be the amount to be collected as the fee for new registration.
- 11 7 (8) A vehicle subject to registration in this state which
11 8 is owned by a person who has moved from another state with the
11 9 intention of changing residency to Iowa, provided that the
11 10 vehicle was purchased for use in the state from which the
11 11 applicant moved and was not, at or near the time of purchase,
11 12 purchased for use in Iowa.
- 11 13 (9) A vehicle that was previously registered in this state
11 14 and was subsequently registered in another state is not
11 15 subject to the fee for new registration when it is again
11 16 registered in this state, provided that the applicant for
11 17 registration has maintained ownership of the vehicle since its
11 18 initial registration in this state and has previously paid the
11 19 use tax or fee for new registration for the vehicle in this
11 20 state.
- 11 21 (10) Vehicles transferred by operation of law as provided
11 22 in section 321.47.
- 11 23 (11) Vehicles for which ownership is transferred to or
11 24 from a revocable or irrevocable trust, if no consideration is
11 25 present.
- 11 26 (12) Vehicles transferred to the surviving corporation for
11 27 no consideration as a result of a corporate merger according
11 28 to the laws of this state in which the merging corporation is
11 29 immediately extinguished and dissolved.
- 11 30 (13) Vehicles purchased in this state by a nonresident for
11 31 removal to the nonresident's state of residence if the
11 32 purchaser applies to the county treasurer for a transit plate
11 33 under section 321.109.
- 11 34 (14) Vehicles purchased by a licensed motor vehicle dealer
11 35 for resale.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

12 1 (15) Homemade vehicles built from parts purchased at
12 2 retail, upon which the consumer paid a tax to the seller, but
12 3 only on such vehicles never before registered. This exemption
12 4 does not apply for vehicles subject to registration which are
12 5 made by a manufacturer engaged in the business for purpose of
12 6 sales or rental.

12 7 (16) Vehicles title under a salvage certificate of title.
12 8 However, when such a vehicle has been repaired and a regular
12 9 certificate of title is applied for, the fee for new
12 10 registration is due as follows:

12 11 (a) If the owner of the vehicle is a licensed recycler,
12 12 unless the applicant is licensed as a vehicle dealer, the fee
12 13 for new registration applies based on the fair market value of
12 14 the vehicle, with deduction allowed for the cost of parts,
12 15 supplies, and equipment for which sales tax was paid and which
12 16 were used to rebuild the vehicle.

12 17 (b) If the owner is a person who is not licensed as a
12 18 recycler or vehicle dealer, the fee for new registration
12 19 applies based on the fair market value of the vehicle, with
12 20 deduction allowed for the cost of parts, frames, chassis, auto
12 21 bodies, or supplies that were purchased to rebuild the vehicle
12 22 and for which sales tax was paid.

12 23 (17) A vehicle delivered to a resident Native American
12 24 Indian on the reservation.

12 25 (18) A vehicle transferred from one individual to another
12 26 as a gift in a transaction in which no consideration is
12 27 present.

12 28 (19) A vehicle given by a corporation as a gift to a
12 29 retiring employee.

12 30 (20) A vehicle sold by an entity where the profits from
12 31 the sale are used by or donated to a nonprofit entity which is
12 32 exempt from federal income taxation pursuant to section
12 33 501(c)(3) of the Internal Revenue Code, a government entity,
12 34 or a nonprofit private educational institution, and where the
12 35 entire proceeds from the sale of the vehicle are expended for



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

13 1 any of the following purposes:

13 2 (a) Educational.

13 3 (b) Religious.

13 4 (c) Charitable. A charitable act is an act done out of
13 5 goodwill, benevolence, and a desire to add to or to improve
13 6 the good of humankind in general or any class or portion of
13 7 humankind, with no pecuniary profit inuring to the person
13 8 performing the service or giving the gift.

13 9 (21) A vehicle given or sold to be subsequently awarded as
13 10 a raffle prize under chapter 99B.

13 11 (22) A vehicle won as a raffle prize under chapter 99B.

13 12 (23) A vehicle that is directly and primarily used in the
13 13 recycling or reprocessing of waste products.

13 14 (24) Vehicles purchased by a person who will rebuild those
13 15 vehicles into ambulances, rescue, or fire vehicles, provided
13 16 the person is a licensed wholesaler of new motor vehicles.

13 17 (25) A vehicle repossessed by a vehicle dealer pursuant to
13 18 the uniform commercial code, chapter 554, provided there is a
13 19 valid lien on the title and the dealer anticipates reselling
13 20 the vehicle.

13 21 (26) A vehicle repossessed by a financial institution or
13 22 an individual by means of a foreclosure affidavit pursuant to
13 23 the uniform commercial code, chapter 554, provided there is a
13 24 valid lien on the vehicle and the foreclosure affidavit is
13 25 used for the sole purpose of retaining possession of the
13 26 vehicle until a new buyer is found. However, if the financial
13 27 institution or individual uses the foreclosure affidavit to
13 28 take title to the vehicle and register the vehicle, the new
13 29 registration fee shall be due based on the outstanding loan
13 30 amount on the vehicle.

13 31 (27) A damaged vehicle acquired by an insurance company
13 32 from a client or financial institution, provided the insurance
13 33 company has a vehicle dealers license.

13 34 (28) A vehicle returned to a manufacturer and titled in
13 35 the manufacturer's name under section 322G.12.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

14 1 (29) A vehicle purchased directly by a federal, state, or
14 2 local governmental agency and titled in an individual's name
14 3 pursuant to a governmental program authorized by law.
14 4 3. LEASED VEHICLES.
14 5 a. A fee for new registration is imposed in an amount
14 6 equal to five percent of the leased price for each vehicle
14 7 subject to registration with a gross vehicle weight rating of
14 8 less than sixteen thousand pounds, excluding motorcycles and
14 9 motorized bicycles, which is leased by a lessor licensed
14 10 pursuant to chapter 321F for a period of twelve months or
14 11 more. The fee for new registration shall be paid by the owner
14 12 of the vehicle to the county treasurer from whom the
14 13 registration receipt or certificate of title is obtained. A
14 14 registration receipt for a vehicle subject to registration or
14 15 issuance of a certificate of title shall not be issued until
14 16 the fee for new registration is paid in the initial instance.
14 17 b. The amount of the lease price subject to the fee for
14 18 new registration shall be computed on each separate lease
14 19 transaction by taking the total of the lease payments, plus
14 20 the down payment, and excluding the following charges, if
14 21 included as part of the lease payment:
14 22 (1) Title fee.
14 23 (2) Annual registration fees.
14 24 (3) Fee for new registration.
14 25 (4) Federal excise taxes attributable to the sale of the
14 26 vehicle to the owner or to the lease of the vehicle by the
14 27 owner.
14 28 (5) Optional service or warranty contracts subject to tax
14 29 pursuant to section 423.2, subsection 1.
14 30 (6) Insurance.
14 31 (7) Manufacturer's rebate.
14 32 (8) Refundable deposit.
14 33 (9) Finance charges, if any, on items listed in
14 34 subparagraphs (1) through (8).
14 35 c. If any or all of the items in paragraph "b",



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

15 1 subparagraphs (1) through (8), are excluded from the lease
15 2 price subject to the fee for new registration, the owner shall
15 3 maintain adequate records of the amounts of those items. If
15 4 the parties to a lease enter into an agreement providing that
15 5 the fee for new registration is to be paid by the lessee or
15 6 included in the monthly lease payments to be paid by the
15 7 lessee, the total cost of the fee for new registration shall
15 8 not be included in the computation of the lease price for the
15 9 purpose of the fee for new registration under this section.
15 10 The county treasurer or the department of transportation shall
15 11 require every applicant for a registration receipt for a
15 12 vehicle subject to a fee for new registration to supply
15 13 information as the county treasurer or the director deems
15 14 necessary as to the date of the lease transaction, the lease
15 15 price, and other information relative to the lease of the
15 16 vehicle.

15 17 d. On or before the tenth day of each month, the county
15 18 treasurer or the department of transportation shall remit to
15 19 the department of revenue the amount of the fees for new
15 20 registration collected during the preceding month.

15 21 e. If the lease is terminated prior to the termination
15 22 date contained in the lease agreement, no refund shall be
15 23 allowed for a fee for new registration previously paid under
15 24 this section, except as provided in section 322G.4.

15 25 4. ADMINISTRATION AND ENFORCEMENT == DIRECTOR OF REVENUE.

15 26 a. The director of revenue in consultation with the
15 27 department of transportation shall administer and enforce the
15 28 fee for new registration as nearly as possible in conjunction
15 29 with the administration and enforcement of the state use tax
15 30 law, except that portion of the law which implements the
15 31 streamlined sales and use tax agreement. The director shall
15 32 provide appropriate forms, or provide on the annual
15 33 registration forms provided by the department of
15 34 transportation, for reporting the fee for new registration
15 35 liability.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

16 1 b. Section 422.25, subsection 4, sections 422.30, 422.67,
16 2 and 422.68, section 422.69, subsection 1, sections 422.70,
16 3 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection
16 4 2, and sections 423.23, 423.24, 423.25, 423.32, 423.33,
16 5 423.35, 423.37 through 423.42, 423.45, and 423.47, consistent
16 6 with the provisions of this section, apply with respect to the
16 7 fees for new registration authorized under this section in the
16 8 same manner and with the same effect as if the fees for new
16 9 registration were retail use taxes within the meaning of those
16 10 statutes.

16 11 5. COLLECTIONS BY LICENSED DEALERS.

16 12 a. A licensed vehicle dealer maintaining a place of
16 13 business in this state who sells a vehicle subject to
16 14 registration for use in this state shall collect the fee for
16 15 new registration at the time of making the sale. A dealer
16 16 required to collect the fee for new registration shall give to
16 17 the purchaser a receipt for the fee in the manner and form
16 18 prescribed by the director. Fees collected by a dealer under
16 19 this section shall be forwarded to the county treasurer in the
16 20 same manner as annual registration fees.

16 21 b. If an amount of the fee for new registration
16 22 represented by a dealer to the purchaser of a vehicle is
16 23 computed upon a purchase price that is not subject to the fee
16 24 for new registration or the amount represented is in excess of
16 25 the actual amount subject to the fee and the amount
16 26 represented is actually paid by the purchaser to the dealer,
16 27 the excess amount of fee for new registration paid shall be
16 28 returned to the purchaser upon notification to the dealer by
16 29 the department that an excess payment exists.

16 30 c. If an amount of the fee for new registration
16 31 represented by a dealer to a purchaser is computed upon a
16 32 purchase price that is not subject to the fee for new
16 33 registration or the amount represented is in excess of the
16 34 actual amount subject to the fee and the amount represented is
16 35 actually paid by the purchaser to the dealer, the excess



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

17 1 amount of fee for new registration paid shall be returned to
17 2 the purchaser upon proper notification to the dealer by the
17 3 purchaser that an excess payment exists. "Proper"
17 4 notification is written notification which allows a dealer at
17 5 least sixty days to respond and which contains enough
17 6 information to allow a dealer to determine the validity of a
17 7 purchaser's claim that an excess amount of fee for new
17 8 registration has been paid. No cause of action shall accrue
17 9 against a dealer for excess fee for new registration paid
17 10 until sixty days after proper notice has been given the dealer
17 11 by the purchaser.

17 12 d. In the circumstances described in paragraphs "b" and
17 13 "c", a dealer has the option to either return any excess
17 14 amount of fee for new registration paid to a purchaser, or to
17 15 remit the amount which a purchaser has paid to the dealer to
17 16 the department.

17 17 6. REFUNDS.

17 18 a. A fee for new registration is not refundable, except in
17 19 the following circumstances:

17 20 (1) If a vehicle is sold and later returned to the seller
17 21 and the entire purchase price is refunded by the seller, the
17 22 purchaser is entitled to a refund of the fee for new
17 23 registration paid. To obtain a refund, the purchaser shall
17 24 make application on forms provided by the department and show
17 25 proof that the entire purchase price was returned and that the
17 26 fee for new registration had been paid.

17 27 (2) If a vehicle manufacturer reimburses a purchaser for
17 28 the fee for new registration paid on a returned defective
17 29 vehicle, the manufacturer may obtain a refund from the
17 30 department by providing proof that the fee was paid and the
17 31 purchaser reimbursed in accordance with the provisions of
17 32 chapter 322G.

17 33 (3) If the department determines that, as a result of
17 34 mistake, an amount of the fee for new registration has been
17 35 paid which was not due, such amount shall be refunded to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

18 1 vehicle owner by the department.
18 2 b. A claim for refund under this subsection that has not
18 3 been filed with the department within one year after the fee
18 4 for new registration was paid shall not be allowed by the
18 5 director.
18 6 7. PENALTY FOR FALSE STATEMENT. A person who willfully
18 7 makes a false statement in regard to the purchase price of a
18 8 vehicle subject to a fee for new registration is guilty of a
18 9 fraudulent practice. A person who willfully makes a false
18 10 statement in regard to the purchase price of such a vehicle
18 11 with the intent to evade payment of the fee for new
18 12 registration shall be assessed a penalty of seventy-five
18 13 percent of the amount of the fee unpaid and required to be
18 14 paid on the actual purchase price less trade-in allowance.
18 15 DIVISION III
18 16 MOTOR VEHICLE USE TAX == REPEAL
18 17 Sec. 11. Section 423.6, subsections 8, 10, 11, 12, 16, 17,
18 18 18, 24, and 25, Code 2007, are amended by striking the
18 19 subsections.
18 20 Sec. 12. Section 423.14, subsection 2, paragraph a, Code
18 21 2007, is amended to read as follows:
18 22 a. The tax upon the use of all vehicles ~~subject to~~
18 23 ~~registration or~~ subject only to the issuance of a certificate
18 24 of title or the tax upon the use of manufactured housing shall
18 25 be collected by the county treasurer or the state department
18 26 of transportation pursuant to ~~sections~~ section 423.26 and
18 27 ~~423.27, subsection 1.~~ The county treasurer shall retain one
18 28 dollar from each tax payment collected, to be credited to the
18 29 county general fund.
18 30 Sec. 13. Section 423.26, Code 2007, is amended to read as
18 31 follows:
18 32 423.26 VEHICLES SUBJECT TO REGISTRATION OR ONLY TO THE
18 33 ISSUANCE OF TITLE == MANUFACTURED HOUSING == VEHICLE LEASE
18 34 TRANSACTIONS NOT REQUIRING TITLE OR REGISTRATION.
18 35 1. a. The use tax imposed upon the use of vehicles



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

19 1 ~~subject to registration or~~ subject only to the issuance of a
19 2 certificate of title or imposed upon the use of manufactured
19 3 housing shall be paid by the owner of the vehicle or of the
19 4 manufactured housing to the county treasurer or the state
19 5 department of transportation from whom the ~~registration~~
~~19 6 receipt or~~ certificate of title is obtained. A ~~registration~~
~~19 7 receipt for a vehicle subject to registration or~~ certificate
19 8 of title shall not be issued until the tax has been paid. The
19 9 county treasurer or the state department of transportation
19 10 shall require every applicant for a ~~registration receipt for a~~
~~19 11 vehicle subject to registration or~~ certificate of title to
19 12 supply information as the county treasurer or the director
19 13 deems necessary as to the time of purchase, the purchase
19 14 price, installed purchase price, and other information
19 15 relative to the purchase of the vehicle or manufactured
19 16 housing. On or before the tenth day of each month, the county
19 17 treasurer or the state department of transportation shall
19 18 remit to the department the amount of the taxes collected
19 19 during the preceding month.

19 20 b. A person who willfully makes a false statement in
19 21 regard to the purchase price of a vehicle subject to taxation
19 22 under this ~~section~~ subsection is guilty of a fraudulent
19 23 practice. A person who willfully makes a false statement in
19 24 regard to the purchase price of such a vehicle with the intent
19 25 to evade the payment of tax shall be assessed a penalty of
19 26 seventy-five percent of the amount of tax unpaid and required
19 27 to be paid on the actual purchase price less trade-in
19 28 allowance.

19 29 2. a. The use tax imposed upon the use of leased vehicles
19 30 if the lease transaction does not require titling or
19 31 registration of the vehicle shall be remitted to the
19 32 department. Tax and the reporting of tax due to the
19 33 department shall be remitted on or before fifteen days from
19 34 the last day of the month that the tax becomes due. Failure
19 35 to timely report or remit any of the tax when due shall result



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

20 1 in a penalty and interest being imposed on the tax due
20 2 pursuant to section 423.40, subsection 1, and section 423.42,
20 3 subsection 1.
20 4 b. The amount subject to tax shall be computed on each
20 5 separate lease transaction by taking the total of the lease
20 6 payments, plus the down payment, and excluding all of the
20 7 following:
20 8 (1) Title fee.
20 9 (2) Registration fees.
20 10 (3) Use tax pursuant to this subsection.
20 11 (4) Federal excise taxes attributable to the sale of the
20 12 vehicle to the owner or to the lease of the vehicle by the
20 13 owner.
20 14 (5) Optional service or warranty contracts subject to tax
20 15 pursuant to section 423.2, subsection 1.
20 16 (6) Insurance.
20 17 (7) Manufacturer's rebate.
20 18 (8) Refundable deposit.
20 19 (9) Finance charges, if any, on items listed in
20 20 subparagraphs (1) through (8).
20 21 c. If any or all of the items in paragraph "b",
20 22 subparagraphs (1) through (8) are excluded from the taxable
20 23 lease price, the owner shall maintain adequate records of the
20 24 amounts of those items. If the parties to a lease enter into
20 25 an agreement providing that the tax imposed under this
20 26 subsection is to be paid by the lessee or included in the
20 27 monthly lease payments to be paid by the lessee, the total
20 28 cost of the tax shall not be included in the computation of
20 29 lease price for the purpose of taxation under this subsection.
20 30 Sec. 14. Section 423.43, Code Supplement 2007, is amended
20 31 by striking the section and inserting in lieu thereof the
20 32 following:
20 33 423.43 DEPOSIT OF REVENUES.
20 34 1. Except as provided in subsection 2, all revenue arising
20 35 under the operation of the use tax under subchapter III shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

21 1 be deposited into the general fund of the state.

21 2 2. All revenue derived from the use tax imposed pursuant
21 3 to section 423.26 shall be deposited into the road use tax
21 4 fund.

21 5 Sec. 15. Section 423.27, Code 2007, is repealed.

21 6 DIVISION IV

21 7 CONFORMING AMENDMENTS

21 8 Sec. 16. Section 29A.101A, subsection 5, Code Supplement
21 9 2007, is amended to read as follows:

21 10 5. Rents or lease amounts unpaid for the period preceding
21 11 the effective date of the lease termination shall be paid on a
21 12 prorated basis. In the case of a vehicle lease, the lessor
21 13 shall not impose an early termination charge, but any ~~taxes,~~
21 14 summonses, ~~and~~ title and registration fees, including the fee
21 15 for new registration, and any other obligation and liability
21 16 of the lessee in accordance with the terms of the lease,
21 17 including reasonable charges to the lessee for excess wear,
21 18 use, and mileage, that are due and unpaid at the time of
21 19 termination of the lease shall be paid by the lessee.

21 20 Sec. 17. Section 321.17, Code 2007, is amended to read as
21 21 follows:

21 22 321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

21 23 It is a simple misdemeanor punishable as a scheduled
21 24 violation under section 805.8A, subsection 2, paragraph "b",
21 25 for any person to drive or move or for an owner knowingly to
21 26 permit to be driven or moved upon the highway a vehicle of a
21 27 type required to be registered under this chapter which is not
21 28 registered, or for which the appropriate ~~fee has~~ fees have not
21 29 been paid, except as provided in section 321.109, subsection
21 30 3.

21 31 Sec. 18. Section 321.19, subsection 1, unnumbered
21 32 paragraph 1, Code 2007, is amended to read as follows:

21 33 All vehicles owned or leased for a period of sixty days or
21 34 more by the government and used in the transaction of official
21 35 business by the representatives of foreign governments or by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

22 1 officers, boards, or departments of the government of the
22 2 United States, and by the state, counties, municipalities and
22 3 other political subdivisions of the state including vehicles
22 4 used by an urban transit company operated by a municipality or
22 5 a regional transit system, and self-propelling vehicles used
22 6 neither for the conveyance of persons for hire, pleasure, or
22 7 business nor for the transportation of freight other than
22 8 those used by an urban transit company operated by a
22 9 municipality or a regional transit system, all fire trucks,
22 10 providing they are not owned and operated for a pecuniary
22 11 profit, and authorized emergency vehicles used only in
22 12 disaster relief owned and operated by an organization not
22 13 operated for pecuniary profit, are exempted from the payment
22 14 of the registration fees imposed by this chapter, except as
22 15 provided for urban transit companies in subsection 2, but are
22 16 not exempt from the penalties provided in this chapter.
22 17 Sec. 19. Section 321.20, subsection 1, paragraph a, Code
22 18 2007, is amended to read as follows:
22 19 a. The full legal name; social security number or Iowa
22 20 driver's license number or Iowa nonoperator's identification
22 21 card number; date of birth; bona fide residence; and mailing
22 22 address of the owner and of the lessee if the vehicle is being
22 23 leased. If the owner or lessee is a firm, association, or
22 24 corporation, the application shall contain the bona fide
22 25 business address and federal employer identification number of
22 26 the owner or lessee. Up to three owners' names may be listed
22 27 on the application. If the vehicle is a leased vehicle, the
22 28 application shall state whether the notice of registration
22 29 renewal shall be sent to the lessor or to the lessee and
22 30 whether the lessor or the lessee shall receive the
22 31 ~~registration fee~~ refund of the annual registration fee, if
22 32 any. Information relating to the lessee of a vehicle shall
22 33 not be required on an application for registration and a
22 34 certificate of title for a vehicle with a gross vehicle weight
22 35 rating of ten thousand pounds or more.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

23 1 Sec. 20. Section 321.20, subsection 1, paragraph e, Code
23 2 2007, is amended to read as follows:

23 3 e. The amount of the fee for new registration to be paid
23 4 under section 321.105A or the amount of tax to be paid under
23 5 section 423.26, subsection 1.

23 6 Sec. 21. Section 321.20A, Code 2007, is amended to read as
23 7 follows:

23 8 321.20A CERTIFICATE OF TITLE AND REGISTRATION FEES ==
23 9 COMMERCIAL VEHICLES.

23 10 1. Notwithstanding other provisions of this chapter, the
23 11 owner of a commercial vehicle subject to the proportional
23 12 registration provisions of chapter 326 may make application to
23 13 the department or the appropriate county treasurer for a
23 14 certificate of title. The application for certificate of
23 15 title shall be made within thirty days of purchase or transfer
23 16 and shall be accompanied by a ten dollar title fee and the
23 17 appropriate use tax fee for new registration. The department
23 18 or the county treasurer shall deliver the certificate of title
23 19 to the owner if there is no security interest. If there is a
23 20 security interest, the title, when issued, shall be delivered
23 21 to the first secured party. Delivery may be made using
23 22 electronic means.

23 23 2. An owner of more than fifty commercial vehicles subject
23 24 to the proportional registration provisions of chapter 326 who
23 25 is issued a certificate of title under this section shall not
23 26 be subject to annual registration fees until the commercial
23 27 vehicle is driven or moved upon the highways. The annual
23 28 registration fee due shall be prorated for the remaining
23 29 unexpired months of the registration year. Ownership of the
23 30 commercial vehicle shall not be transferred until annual
23 31 registration fees have been paid to the department.

23 32 Sec. 22. Section 321.23, subsection 3, Code 2007, is
23 33 amended to read as follows:

23 34 3. In the event an applicant for registration of a foreign
23 35 vehicle for which a certificate of title has been issued is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

24 1 able to furnish evidence of being the registered owner of the
24 2 vehicle to the county treasurer of the owner's residence,
24 3 although unable to surrender such certificate of title, the
24 4 county treasurer may issue a registration receipt and plates
24 5 upon receipt of the required annual registration fee and the
24 6 fee for new registration fee but shall not issue a certificate
24 7 of title thereto. Upon surrender of the certificate of title
24 8 from the foreign state, the county treasurer shall issue a
24 9 certificate of title to the owner, or person entitled thereto,
24 10 of such vehicle as provided in this chapter. The owner of a
24 11 vehicle registered under this subsection shall not be required
24 12 to obtain a certificate of title in this state and may
24 13 transfer ownership of the vehicle to a motor vehicle dealer
24 14 licensed under chapter 322 if, at the time of the transfer,
24 15 the certificate of title is held by a secured party and the
24 16 dealer has forwarded to the secured party the sum necessary to
24 17 discharge the security interest pursuant to section 321.48,
24 18 subsection 1.

24 19 Sec. 23. Section 321.24, subsections 1, 3, and 10, Code
24 20 Supplement 2007, are amended to read as follows:

24 21 1. Upon receipt of the application for title and payment
24 22 of the required fees for a motor vehicle, trailer, or
24 23 semitrailer, the county treasurer or the department shall,
24 24 when satisfied as to the application's genuineness and
24 25 regularity, and, in the case of a mobile home or manufactured
24 26 home, that taxes are not owing under chapter 423 or 435, issue
24 27 a certificate of title and, except for a mobile home or
24 28 manufactured home, a registration receipt, and shall file the
24 29 application, the manufacturer's or importer's certificate, the
24 30 certificate of title, or other evidence of ownership, as
24 31 prescribed by the department. The registration receipt shall
24 32 be delivered to the owner and shall contain upon its face the
24 33 date issued, the name and address of the owner, the
24 34 registration number assigned to the vehicle, the amount of the
24 35 fee paid, ~~the amount of tax paid pursuant to section 423.26,~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

25 1 the type of fuel used, a description of the vehicle as
25 2 determined by the department, and a form for notice of
25 3 transfer of the vehicle. The name and address of any lessee
25 4 of the vehicle shall not be printed on the registration
25 5 receipt or certificate of title. Up to three owners may be
25 6 listed on the registration receipt and certificate of title.
25 7 3. The certificate of title shall contain upon its face
25 8 the identical information required upon the face of the
25 9 registration receipt. In addition, the certificate of title
25 10 shall contain a statement of the owner's title, the title
25 11 number assigned to the owner or owners of the vehicle, ~~the~~
~~25 12 amount of tax paid pursuant to section 423.26,~~ the name and
25 13 address of the previous owner, and a statement of all security
25 14 interests and encumbrances as shown in the application, upon
25 15 the vehicle described, including the nature of the security
25 16 interest, date of perfection, and name and address of the
25 17 secured party.
25 18 10. A vehicle shall be registered for the registration
25 19 year. A vehicle registered for the first time in this state
25 20 shall be registered for the remaining unexpired months of the
25 21 registration year and pay ~~a~~ an annual registration fee
25 22 prorated for the remaining unexpired months of the
25 23 registration year plus a fee for new registration if
25 24 applicable pursuant to section 321.105A. Except for a vehicle
25 25 registered under chapter 326, a vehicle registered for the
25 26 first time during the eleventh month of the owner's
25 27 registration year may be registered for the remaining
25 28 unexpired months of the registration year as provided in this
25 29 paragraph or for the remaining unexpired months of the
25 30 registration year and for the next registration year, upon
25 31 payment of the applicable registration fees.
25 32 Sec. 24. Section 321.26, subsection 2, Code 2007, is
25 33 amended to read as follows:
25 34 2. The county treasurer may adjust the renewal or
25 35 expiration date of vehicles when deemed necessary to equalize



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

26 1 the number of vehicles registered in each twelve-month period
26 2 or for the administrative efficiency of the county treasurer's
26 3 office. The adjustment shall be accomplished by delivery of a
26 4 written notice to the vehicle owner of the adjustment and
26 5 allowance of a credit for the remaining months of the unused
26 6 portion of the annual registration fee, rounded to the nearest
26 7 whole dollar, which amount shall be deducted from the annual
26 8 registration fee due at the time of registration. Upon
26 9 receipt of the notification the owner shall, within thirty
26 10 days, surrender the registration card and registration plates
26 11 to the county treasurer of the county where the vehicle is
26 12 registered, except that the registration plates shall not be
26 13 surrendered if validation stickers or other emblems are used
26 14 to designate the month and year of expiration of registration.
26 15 Upon payment of the annual registration fee, less the credit
26 16 allowed for the remaining months of the unused portion of the
26 17 annual registration fee, the county treasurer shall issue a
26 18 new registration card and registration plates, validation
26 19 stickers, or emblems which indicate the month and year of
26 20 expiration of registration.

26 21 Sec. 25. Section 321.30, subsection 1, paragraphs e and f,
26 22 Code Supplement 2007, are amended to read as follows:

26 23 e. That the required ~~fee has~~ registration fees have not
26 24 been paid except as provided in section 321.48.

26 25 f. ~~That~~ For a vehicle subject only to a certificate of
26 26 title or a manufactured home, that the required use tax has
26 27 not been paid.

26 28 Sec. 26. Section 321.30, subsection 3, paragraph b, Code
26 29 Supplement 2007, is amended to read as follows:

26 30 b. If the applicant for registration of the vehicle has
26 31 failed to pay the required annual registration ~~fees~~ fee or the
26 32 fee for new registration of any vehicle owned or previously
26 33 owned when the ~~registration~~ fee was required to be paid by the
26 34 applicant, and for which vehicle the registration was
26 35 suspended or revoked under section 321.101, subsection 1,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

27 1 paragraph "d", or section 321.101A, until the ~~fees are~~ fee is
27 2 paid together with any accrued penalties.

27 3 Sec. 27. Section 321.34, subsection 2, unnumbered
27 4 paragraph 1, Code Supplement 2007, is amended to read as
27 5 follows:

27 6 In lieu of issuing new registration plates each
27 7 registration year for a vehicle renewing registration, the
27 8 department may reassign the registration plates previously
27 9 issued to the vehicle and may adopt and prescribe an annual
27 10 validation sticker indicating payment of annual registration
27 11 fees. The department shall issue one validation sticker for
27 12 each set of registration plates. The sticker shall specify
27 13 the month and year of expiration of the registration plates.
27 14 The sticker shall be displayed only on the rear registration
27 15 plate, except that the sticker shall be displayed on the front
27 16 registration plate of a truck tractor.

27 17 Sec. 28. Section 321.34, subsection 5, paragraphs b and c,
27 18 Code Supplement 2007, is amended to read as follows:

27 19 b. The county treasurer shall validate personalized
27 20 registration plates in the same manner as regular registration
27 21 plates are validated under this section at an annual fee of
27 22 five dollars in addition to the regular annual registration
27 23 fee. A person renewing a personalized registration plate
27 24 within one month following the time requirements under section
27 25 321.40 may renew the personalized plate without paying the
27 26 additional registration fee under paragraph "a" but shall pay
27 27 the five-dollar fee in addition to the regular annual
27 28 registration fee and any penalties subject to regular
27 29 registration plate holders for late renewal.

27 30 c. The fees collected by the director under this ~~section~~
27 31 subsection shall be paid to the treasurer of state and
27 32 credited by the treasurer of state as provided in section
27 33 321.145.

27 34 Sec. 29. Section 321.34, subsection 7, paragraph c, Code
27 35 Supplement 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

28 1 c. (1) The fees for a collegiate registration plate are
28 2 as follows:
28 3 ~~(1)~~ (a) A registration fee of twenty-five dollars.
28 4 ~~(2)~~ (b) A special collegiate registration fee of
28 5 twenty-five dollars.
28 6 (2) These fees are in addition to the regular annual
28 7 registration fee. The fees collected by the director under
28 8 this subsection shall be paid monthly to the treasurer of
28 9 state and ~~credited by the treasurer of state to deposited in~~
28 10 ~~the road use tax fund. Notwithstanding section 423.43 and~~
~~28 11 prior to the revenues being credited to the road use tax fund~~
~~28 12 under section 423.43, subsection 1, paragraph "b", the The~~
28 13 treasurer of state shall credit monthly from those revenues
~~28 14 respectively the revenues available for purposes of this~~
28 15 subsection under section 321.145, subsection 2, to Iowa state
28 16 university of science and technology, the university of
28 17 northern Iowa, and the state university of Iowa respectively,
28 18 the amount of the special collegiate registration fees
28 19 collected in the previous month for collegiate registration
28 20 plates designed for the university. The moneys credited are
28 21 appropriated to the respective universities to be used for
28 22 scholarships for students attending the universities.
28 23 Sec. 30. Section 321.34, subsection 10, paragraph c, Code
28 24 Supplement 2007, is amended to read as follows:
28 25 c. The special fees collected by the director under this
28 26 subsection shall be paid monthly to the treasurer of state and
28 27 ~~credited to deposited in~~ the road use tax fund.
28 28 ~~Notwithstanding section 423.43, and prior to the crediting of~~
~~28 29 revenues to the road use tax fund under section 423.43,~~
~~28 30 subsection 1, paragraph "b", the The~~ treasurer of state shall
28 31 transfer monthly from ~~those revenues~~ the revenues available
28 32 for purposes of this subsection under section 321.145,
28 33 subsection 2, to the Paul Ryan memorial fire fighter safety
28 34 training fund created pursuant to section 100B.12 the amount
28 35 of the special fees collected in the previous month for the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

29 1 fire fighter plates.

29 2 Sec. 31. Section 321.34, subsection 10A, paragraph b, Code
29 3 Supplement 2007, is amended to read as follows:

29 4 b. The special fees collected by the director under this
29 5 subsection shall be paid monthly to the treasurer of state and
29 6 ~~credited to~~ deposited in the road use tax fund.

~~29 7 Notwithstanding section 423.43, and prior to the crediting of
29 8 revenues to the road use tax fund under section 423.43,~~

~~29 9 subsection 1, paragraph "b", the~~ The treasurer of state shall
29 10 transfer monthly from ~~those revenues~~ the revenues available

29 11 for purposes of this subsection under section 321.145,
29 12 subsection 2, to the emergency medical services fund created
29 13 in section 135.25 the amount of the special fees collected in
29 14 the previous month for issuance of emergency medical services
29 15 plates.

29 16 Sec. 32. Section 321.34, subsection 11, paragraph c, Code
29 17 Supplement 2007, is amended to read as follows:

29 18 c. (1) The special natural resources fee for letter
29 19 number designated natural resources plates is forty=five
29 20 dollars. The fee for personalized natural resources plates is
29 21 forty=five dollars which shall be paid in addition to the
29 22 special natural resources fee of forty=five dollars. The fees
29 23 collected by the director under this subsection shall be paid
29 24 monthly to the treasurer of state and ~~credited to~~ deposited in

~~29 25 the road use tax fund. Notwithstanding section 423.43, and
29 26 prior to the crediting of revenues to the road use tax fund~~

~~29 27 under section 423.43, subsection 1, paragraph "b", the~~ The
29 28 treasurer of state shall credit monthly from ~~those revenues~~
29 29 the revenues available for purposes of this subsection under
29 30 section 321.145, subsection 2, to the Iowa resources

29 31 enhancement and protection fund created pursuant to section
29 32 455A.18, the amount of the special natural resources fees
29 33 collected in the previous month for the natural resources
29 34 plates.

29 35 (2) From the moneys credited to the Iowa resources



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

30 1 enhancement and protection fund under ~~this paragraph "c",~~
30 2 subparagraph (1), ten dollars of the fee collected for each
30 3 natural resources plate issued, and fifteen dollars from each
30 4 renewal fee, shall be allocated to the department of natural
30 5 resources wildlife bureau to be used for nongame wildlife
30 6 programs.

30 7 Sec. 33. Section 321.34, subsection 11A, paragraph c, Code
30 8 Supplement 2007, is amended to read as follows:

30 9 c. The special fee for letter number designated love our
30 10 kids plates is thirty=five dollars. The fee for personalized
30 11 love our kids plates is twenty=five dollars, which shall be
30 12 paid in addition to the special love our kids fee of
30 13 thirty=five dollars. The fees collected by the director under
30 14 this subsection shall be paid monthly to the treasurer of
30 15 state and ~~credited to~~ deposited in the road use tax fund.
30 16 ~~Notwithstanding section 423.43, and prior to the crediting of~~
30 17 ~~revenues to the road use tax fund under section 423.43,~~
30 18 ~~subsection 1, paragraph "b", the~~ The treasurer of state shall
30 19 transfer monthly from ~~those revenues~~ the revenues available
30 20 for purposes of this subsection under section 321.145,
30 21 subsection 2, to the Iowa department of public health the
30 22 amount of the special fees collected in the previous month for
30 23 the love our kids plates. Notwithstanding section 8.33,
30 24 moneys transferred under this subsection shall not revert to
30 25 the general fund of the state.

30 26 Sec. 34. Section 321.34, subsection 11B, paragraph c, Code
30 27 Supplement 2007, is amended to read as follows:

30 28 c. The special fee for letter number designated motorcycle
30 29 rider education plates is thirty=five dollars. The fee for
30 30 personalized motorcycle rider education plates is twenty=five
30 31 dollars, which shall be paid in addition to the special
30 32 motorcycle rider education fee of thirty=five dollars. The
30 33 fees collected by the director under this subsection shall be
30 34 paid monthly to the treasurer of state and ~~credited to~~
30 35 deposited in the road use tax fund. ~~Notwithstanding section~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

~~House Study Bill 714 continued~~

~~31 1 423.43, and prior to the crediting of revenues to the road use~~
~~31 2 tax fund under section 423.43, subsection 1, paragraph "b",~~
~~31 3 the The treasurer of state shall transfer monthly from these~~
~~31 4 revenues the revenues available for purposes of this~~
31 5 subsection under section 321.145, subsection 2, to the
31 6 department for use in accordance with section 321.180B,
31 7 subsection 6, the amount of the special fees collected in the
31 8 previous month for the motorcycle rider education plates.
31 9 Sec. 35. Section 321.34, subsection 13, paragraph d, Code
31 10 Supplement 2007, is amended to read as follows:
31 11 d. A state agency may submit a request to the department
31 12 recommending a special registration plate. The alternate fee
31 13 for letter number designated plates is thirty=five dollars
31 14 with a ten dollar annual special renewal fee. The fee for
31 15 personalized plates is twenty=five dollars which is in
31 16 addition to the alternative fee of thirty=five dollars with an
31 17 annual personalized plate renewal fee of five dollars which is
31 18 in addition to the special renewal fee of ten dollars. The
31 19 alternate fees are in addition to the regular annual
31 20 registration fee. The alternate fees collected under this
31 21 paragraph shall be paid monthly to the treasurer of state and
31 22 ~~credited to deposited in~~ the road use tax fund.
31 23 ~~Notwithstanding section 423.43, and prior to the crediting of~~
~~31 24 the revenues to the road use tax fund under section 423.43,~~
~~31 25 subsection 1, paragraph "b", the The treasurer of state shall~~
31 26 credit monthly from the revenues available for purposes of
31 27 this subsection under section 321.145, subsection 2, the
31 28 amount of the alternate fees collected in the previous month
31 29 to the state agency that recommended the special registration
31 30 plate.
31 31 Sec. 36. Section 321.34, subsection 16, unnumbered
31 32 paragraph 1, Code Supplement 2007, is amended to read as
31 33 follows:
31 34 An owner referred to in subsection 12 who is a member of
31 35 the national guard, as defined in chapter 29A, may, upon



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

32 1 written application to the department, order special
32 2 registration plates with a national guard processed emblem
32 3 with the emblem designed by the department in cooperation with
32 4 the adjutant general which emblem signifies that the applicant
32 5 is a member of the national guard. The application shall be
32 6 approved by the department in consultation with the adjutant
32 7 general. The special plate fees collected by the director
32 8 under subsection 12, paragraph "a", from the issuance and
32 9 annual validation of letter=number designated and personalized
32 10 national guard plates shall be paid monthly to the treasurer
32 11 of state and ~~credited to~~ deposited in the road use tax fund.
32 12 ~~Notwithstanding section 423.43, and prior to the crediting of~~
~~32 13 revenues to the road use tax fund under section 423.43,~~
~~32 14 subsection 1, paragraph "b", the~~ The treasurer of state shall
32 15 transfer monthly from ~~those revenues~~ the revenues available
32 16 for purposes of this subsection under section 321.145,
32 17 subsection 2, to the veterans license fee fund created in
32 18 section 35A.11 the amount of the special fees collected in the
32 19 previous month for national guard plates. Special
32 20 registration plates with a national guard processed emblem
32 21 shall be surrendered, as provided in subsection 12, in
32 22 exchange for regular registration plates upon termination of
32 23 the owner's membership in the active national guard.
32 24 Sec. 37. Section 321.34, subsection 17, unnumbered
32 25 paragraph 1, Code Supplement 2007, is amended to read as
32 26 follows:
32 27 An owner referred to in subsection 12 who was at Pearl
32 28 Harbor, Hawaii, as a member of the armed services of the
32 29 United States on December 7, 1941, may, upon written
32 30 application to the department, order special registration
32 31 plates with a Pearl Harbor processed emblem. The emblem shall
32 32 be designed by the department in consultation with service
32 33 organizations. The application is subject to approval by the
32 34 department. The special plate fees collected by the director
32 35 under subsection 12, paragraph "a", from the issuance and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

33 1 annual validation of letter=number designated and personalized
33 2 Pearl Harbor plates shall be paid monthly to the treasurer of
33 3 state and ~~credited to~~ deposited in the road use tax fund.
33 4 ~~Notwithstanding section 423.43, and prior to the crediting of~~
~~33 5 revenues to the road use tax fund under section 423.43,~~
~~33 6 subsection 1, paragraph "b", the~~ The treasurer of state shall
33 7 transfer monthly from ~~those revenues~~ the revenues available
33 8 for purposes of this subsection under section 321.145,
33 9 subsection 2, to the veterans license fee fund created in
33 10 section 35A.11 the amount of the special fees collected in the
33 11 previous month for Pearl Harbor plates.
33 12 Sec. 38. Section 321.34, subsection 18, unnumbered
33 13 paragraph 1, Code Supplement 2007, is amended to read as
33 14 follows:
33 15 An owner referred to in subsection 12 who was awarded a
33 16 purple heart medal by the United States government for wounds
33 17 received in military or naval combat against an armed enemy of
33 18 the United States may, upon written application to the
33 19 department and presentation of satisfactory proof of the award
33 20 of the purple heart medal, order special registration plates
33 21 with a purple heart processed emblem. The design of the
33 22 emblem shall include a representation of a purple heart medal
33 23 and ribbon. The application is subject to approval by the
33 24 department in consultation with the adjutant general. The
33 25 special plate fees collected by the director under subsection
33 26 12, paragraph "a", from the issuance and annual validation of
33 27 letter=number designated and personalized purple heart plates
33 28 shall be paid monthly to the treasurer of state and ~~credited~~
~~33 29 to deposited in~~ the road use tax fund. ~~Notwithstanding~~
~~33 30 section 423.43, and prior to the crediting of revenues to the~~
~~33 31 road use tax fund under section 423.43, subsection 1,~~
~~33 32 paragraph "b", the~~ The treasurer of state shall transfer
33 33 monthly from ~~those revenues~~ the revenues available for
33 34 purposes of this subsection under section 321.145, subsection
33 35 2, to the veterans license fee fund created in section 35A.11



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

34 1 the amount of the special fees collected in the previous month
34 2 for purple heart plates.

34 3 Sec. 39. Section 321.34, subsection 19, unnumbered
34 4 paragraph 1, Code Supplement 2007, is amended to read as
34 5 follows:

34 6 An owner referred to in subsection 12 who is a retired
34 7 member of the United States armed forces may, upon written
34 8 application to the department and upon presentation of
34 9 satisfactory proof of membership, order special registration
34 10 plates with a United States armed forces retired processed
34 11 emblem. The emblem shall be designed by the department in
34 12 consultation with service organizations. The application is
34 13 subject to approval by the department. For purposes of this
34 14 subsection, a person is considered to be retired if the person
34 15 is recognized by the United States armed forces as retired
34 16 from the United States armed forces. The special plate fees
34 17 collected by the director under subsection 12, paragraph "a",
34 18 from the issuance and annual validation of letter-number
34 19 designated and personalized armed forces retired plates shall
34 20 be paid monthly to the treasurer of state and ~~credited to~~
34 21 deposited in the road use tax fund. ~~Notwithstanding section~~
~~34 22 423.43, and prior to the crediting of revenues to the road use~~
~~34 23 tax fund under section 423.43, subsection 1, paragraph "b",~~
~~34 24 the~~ The treasurer of state shall transfer monthly from these
~~34 25 revenues the revenues available for purposes of this~~
34 26 subsection under section 321.145, subsection 2, to the
34 27 veterans license fee fund created in section 35A.11 the amount
34 28 of the special fees collected in the previous month for armed
34 29 forces retired plates.

34 30 Sec. 40. Section 321.34, subsection 20, unnumbered
34 31 paragraph 1, Code Supplement 2007, is amended to read as
34 32 follows:

34 33 An owner referred to in subsection 12 who was awarded a
34 34 silver or a bronze star by the United States government, may,
34 35 upon written application to the department and presentation of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

35 1 satisfactory proof of the award of the silver or bronze star,
35 2 order special registration plates with a silver or bronze star
35 3 processed emblem. The emblem shall be designed by the
35 4 department in consultation with the adjutant general. The
35 5 special plate fees collected by the director under subsection
35 6 12, paragraph "a", from the issuance and annual validation of
35 7 letter=number designated and personalized silver star and
35 8 bronze star plates shall be paid monthly to the treasurer of
35 9 state and ~~credited to deposited in~~ the road use tax fund.
35 10 ~~Notwithstanding section 423.43, and prior to the crediting of~~
~~35 11 revenues to the road use tax fund under section 423.43,~~
~~35 12 subsection 1, paragraph "b", the~~ The treasurer of state shall
35 13 transfer monthly from ~~those revenues~~ the revenues available
35 14 for purposes of this subsection under section 321.145,
35 15 subsection 2, to the veterans license fee fund created in
35 16 section 35A.11 the amount of the special fees collected in the
35 17 previous month for silver star and bronze star plates.
35 18 Sec. 41. Section 321.34, subsection 20A, unnumbered
35 19 paragraph 1, Code Supplement 2007, is amended to read as
35 20 follows:
35 21 An owner referred to in subsection 12 who was awarded a
35 22 distinguished service cross, a navy cross, or an air force
35 23 cross by the United States government may, upon written
35 24 application to the department and presentation of satisfactory
35 25 proof of the award, order special registration plates with a
35 26 distinguished service cross, navy cross, or air force cross
35 27 processed emblem. The emblem shall be designed by the
35 28 department in consultation with the adjutant general. The
35 29 special plate fees collected by the director under subsection
35 30 12, paragraph "a", from the issuance and annual validation of
35 31 letter=number designated and personalized distinguished
35 32 service cross, navy cross, and air force cross plates shall be
35 33 paid monthly to the treasurer of state and ~~credited to~~
35 34 deposited in the road use tax fund. ~~Notwithstanding section~~
~~35 35 423.43, and prior to the crediting of revenues to the road use~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

~~House Study Bill 714 continued~~

~~36 1 tax fund under section 423.43, subsection 1, paragraph "b",~~
~~36 2 the The treasurer of state shall transfer monthly from these~~
~~36 3 revenues the revenues available for purposes of this~~
36 4 subsection under section 321.145, subsection 2, to the
36 5 veterans license fee fund created in section 35A.11 the amount
36 6 of the special fees collected in the previous month for
36 7 distinguished service cross, navy cross, and air force cross
36 8 plates.
36 9 Sec. 42. Section 321.34, subsection 20B, unnumbered
36 10 paragraph 1, Code Supplement 2007, is amended to read as
36 11 follows:
36 12 An owner referred to in subsection 12 who was awarded a
36 13 soldier's medal, a navy and marine corps medal, or an airman's
36 14 medal by the United States government may, upon written
36 15 application to the department and presentation of satisfactory
36 16 proof of the award, order special registration plates with a
36 17 soldier's medal, navy and marine corps medal, or airman's
36 18 medal processed emblem. The emblem shall be designed by the
36 19 department in consultation with the adjutant general. The
36 20 special plate fees collected by the director under subsection
36 21 12, paragraph "a", from the issuance and annual validation of
36 22 letter=number designated and personalized soldier's medal,
36 23 navy and marine corps medal, and airman's medal plates shall
36 24 be paid monthly to the treasurer of state and ~~credited to~~
36 25 deposited in the road use tax fund. ~~Notwithstanding section~~
~~36 26 423.43, and prior to the crediting of revenues to the road use~~
~~36 27 tax fund under section 423.43, subsection 1, paragraph "b",~~
~~36 28 the The treasurer of state shall transfer monthly from these~~
~~36 29 revenues the revenues available for purposes of this~~
36 30 subsection under section 321.145, subsection 2, to the
36 31 veterans license fee fund created in section 35A.11 the amount
36 32 of the special fees collected in the previous month for
36 33 soldier's medal, navy and marine corps medal, and airman's
36 34 medal plates.
36 35 Sec. 43. Section 321.34, subsection 21, paragraph c, Code



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

37 1 Supplement 2007, is amended to read as follows:

37 2 c. The special fees collected by the director under this
37 3 subsection shall be paid monthly to the treasurer of state and
37 4 ~~credited to deposited in~~ the road use tax fund.

37 5 ~~Notwithstanding section 423.43, and prior to the crediting of~~
~~37 6 revenues to the road use tax fund under section 423.43,~~
~~37 7 subsection 1, paragraph "b", the~~ The treasurer of state shall
37 8 credit monthly from the revenues available for purposes of
37 9 this subsection under section 321.145, subsection 2, to the
37 10 Iowa heritage fund created under section 303.9A the amount of
37 11 the special fees collected in the previous month for the Iowa
37 12 heritage plates.

37 13 Sec. 44. Section 321.34, subsection 22, paragraph b, Code
37 14 Supplement 2007, is amended to read as follows:

37 15 b. The special school transportation fee for letter number
37 16 designated education plates is thirty=five dollars. The fee
37 17 for personalized education plates is twenty=five dollars,
37 18 which shall be paid in addition to the special school
37 19 transportation fee of thirty=five dollars. The annual special
37 20 school transportation fee is ten dollars for letter number
37 21 designated registration plates and is fifteen dollars for
37 22 personalized registration plates which shall be paid in
37 23 addition to the regular annual registration fee. The fees
37 24 collected by the director under this subsection shall be paid
37 25 monthly to the treasurer of state and ~~credited to deposited in~~
37 26 the road use tax fund. ~~Notwithstanding section 423.43, and~~
~~37 27 prior to the crediting of revenues to the road use tax fund~~
~~37 28 under section 423.43, subsection 1, paragraph "b", the~~ The
37 29 treasurer of state shall transfer monthly from ~~those revenues~~
37 30 the revenues available for purposes of this subsection under
37 31 section 321.145, subsection 2, to the school budget review
37 32 committee in accordance with section 257.31, subsection 17,
37 33 the amount of the special school transportation fees collected
37 34 in the previous month for the education plates.

37 35 Sec. 45. Section 321.34, subsection 23, paragraph c, Code



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

38 1 Supplement 2007, is amended to read as follows:

38 2 c. The special fee for letter number designated breast
38 3 cancer awareness plates is thirty=five dollars. The fee for
38 4 personalized breast cancer awareness plates is twenty=five
38 5 dollars, which shall be paid in addition to the special breast
38 6 cancer awareness fee of thirty=five dollars. The fees
38 7 collected by the director under this subsection shall be paid
38 8 monthly to the treasurer of state and ~~credited to deposited in~~
38 9 ~~the road use tax fund. Notwithstanding section 423.43, and~~
~~38 10 prior to the crediting of revenues to the road use tax fund~~
~~38 11 under section 423.43, subsection 1, paragraph "b", the The~~
38 12 treasurer of state shall transfer monthly from ~~those revenues~~
38 13 the revenues available for purposes of this subsection under
38 14 section 321.145, subsection 2, to the Iowa department of
38 15 public health the amount of the special fees collected in the
38 16 previous month for the breast cancer awareness plates and such
38 17 funds are appropriated to the Iowa department of public
38 18 health. The Iowa department of public health shall distribute
38 19 one hundred percent of the funds received monthly in the form
38 20 of grants to support breast cancer screenings for both men and
38 21 women who meet eligibility requirements like those established
38 22 by the Susan G. Komen foundation. In the awarding of grants,
38 23 the Iowa department of public health shall give first
38 24 consideration to affiliates of the Susan G. Komen foundation
38 25 and similar nonprofit organizations providing for breast
38 26 cancer screenings at no cost in Iowa. Notwithstanding section
38 27 8.33, moneys transferred under this subsection shall not
38 28 revert to the general fund of the state.

38 29 Sec. 46. Section 321.34, subsection 24, Code Supplement
38 30 2007, is amended to read as follows:

38 31 24. GOLD STAR PLATES. An owner referred to in subsection
38 32 12 who is the surviving spouse, parent, child, or sibling of a
38 33 deceased member of the United States armed forces who died
38 34 while serving on active duty during a time of military
38 35 conflict may order special registration plates bearing a gold



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

39 1 star emblem upon written application to the department
39 2 accompanied by satisfactory supporting documentation as
39 3 determined by the department. The gold star emblem shall be
39 4 designed by the department in cooperation with the commission
39 5 of veterans affairs. The special plate fees collected by the
39 6 director under subsection 12, paragraph "a", from the issuance
39 7 and annual validation of letter=number designated and
39 8 personalized gold star plates shall be paid monthly to the
39 9 treasurer of state and ~~credited to deposited in the road use~~
39 10 ~~tax fund. Notwithstanding section 423.43, and prior to the~~
~~39 11 crediting of revenues to the road use tax fund under section~~
~~39 12 423.43, subsection 1, paragraph "b", the~~ The treasurer of
39 13 state shall transfer monthly from ~~those revenues~~ the revenues
39 14 available for purposes of this subsection under section
39 15 321.145, subsection 2, to the veterans license fee fund
39 16 created in section 35A.11 the amount of the special fees
39 17 collected in the previous month for gold star plates.
39 18 Sec. 47. Section 321.39, subsections 3 and 4, Code 2007,
39 19 are amended to read as follows:
39 20 3. For vehicles on which the first installment of an
39 21 annual registration fee has been paid, at midnight on the last
39 22 day of June or the first business day of July when June 30
39 23 falls on Saturday, Sunday, or a holiday; for vehicles on which
39 24 the second installment of an annual registration fee has been
39 25 paid, at midnight on the last day of December or the first
39 26 business day of January when December 31 falls on Saturday,
39 27 Sunday, or a holiday.
39 28 4. For vehicles registered without payment of annual
39 29 registration fees as provided in section 321.19, when
39 30 designated by the department.
39 31 5. Registration for every vehicle registered by the county
39 32 treasurer shall expire upon transfer of ownership.
39 33 Sec. 48. Section 321.40, subsection 1, Code Supplement
39 34 2007, is amended to read as follows:
39 35 1. Application for renewal of a vehicle registration shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

40 1 be made on or after the first day of the month prior to the
40 2 month of expiration of registration and up to and including
40 3 the last day of the month following the month of expiration of
40 4 registration. The registration shall be renewed upon payment
40 5 of the appropriate annual registration fee. Application for
40 6 renewal for a vehicle registered under chapter 326 shall be
40 7 made on or after the first day of the month of expiration of
40 8 registration and up to and including the last day of the month
40 9 following the month of expiration of registration.

40 10 Sec. 49. Section 321.46, subsections 2, 3, 4, 6, and 7,
40 11 Code 2007, are amended to read as follows:

40 12 2. Upon filing the application for a new registration and
40 13 a new title, the applicant shall pay a title fee of ten
40 14 dollars ~~and a~~, an annual registration fee prorated for the
40 15 remaining unexpired months of the registration year, and a fee
40 16 for new registration if applicable. A manufacturer applying
40 17 for a certificate of title pursuant to section 322G.12 shall
40 18 pay a title fee of two dollars. However, a title fee shall
40 19 not be charged to a manufactured or mobile home retailer
40 20 applying for a certificate of title for a used mobile home or
40 21 manufactured home, titled in Iowa, as required under section
40 22 321.45, subsection 4. The county treasurer, if satisfied of
40 23 the genuineness and regularity of the application, and in the
40 24 case of a mobile home or manufactured home, that taxes are not
40 25 owing under chapter 435, and that applicant has complied with
40 26 all the requirements of this chapter, shall issue a new
40 27 certificate of title and, except for a mobile home,
40 28 manufactured home, or a vehicle returned to and accepted by a
40 29 manufacturer as described in section 322G.12, a registration
40 30 card to the purchaser or transferee, shall cancel the prior
40 31 registration for the vehicle, and shall forward the necessary
40 32 copies to the department on the date of issuance, as
40 33 prescribed in section 321.24. Mobile homes or manufactured
40 34 homes titled under chapter 448 that have been subject under
40 35 section 446.18 to a public bidder sale in a county shall be



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

41 1 titled in the county's name, with no fee, and the county
41 2 treasurer shall issue the title.
41 3 3. The applicant shall be entitled to a credit for that
41 4 portion of the annual registration fee of the vehicle sold,
41 5 traded, or junked which had not expired prior to the transfer
41 6 of ownership of the vehicle. The annual registration fee for
41 7 the new registration for the vehicle acquired shall be reduced
41 8 by the amount of the credit. The credit shall be computed on
41 9 the basis of the number of months remaining in the
41 10 registration year, rounded to the nearest whole dollar. The
41 11 credit shall be subject to the following limitations:
41 12 a. The credit shall be claimed within thirty days from the
41 13 date the vehicle for which credit is granted was sold,
41 14 transferred, or junked. After thirty days, all credits shall
41 15 be disallowed.
41 16 b. Any credit granted to the owner of a vehicle which has
41 17 been sold, traded, or junked may only be claimed by that
41 18 person toward the annual registration fee for another vehicle
41 19 purchased and the credit may not be sold, transferred, or
41 20 assigned to any other person.
41 21 c. When the amount of the credit is computed to be an
41 22 amount of less than ten dollars, a credit shall be disallowed.
41 23 d. To claim a credit for the unexpired annual registration
41 24 fee on a junked vehicle, the county treasurer shall disallow
41 25 any claim for credit unless the owner presents a junking
41 26 certificate or other evidence as required by the department to
41 27 the county treasurer.
41 28 e. A credit shall not be allowed to any person who has
41 29 made claim to receive a refund under section 321.126.
41 30 f. If the credit allowed exceeds the amount of the annual
41 31 registration fee for the vehicle acquired, the owner may claim
41 32 a refund under section 321.126, subsection 6, for the balance
41 33 of the credit.
41 34 g. The credit shall be computed on the unexpired number of
41 35 months computed from the date of purchase of the vehicle



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

42 1 acquired.

42 2 4. If the annual registration fee upon application is
42 3 delinquent, the applicant shall be required to pay the
42 4 delinquent fee from the first day the annual registration fee
42 5 was due prorated to the month of application for new title.

42 6 6. An applicant for a new registration for a vehicle
42 7 transferred to the applicant by a spouse, parent, or child of
42 8 the applicant, or by operation of law upon inheritance, devise
42 9 or bequest, from the applicant's spouse, parent, or child, or
42 10 by a former spouse pursuant to a decree of dissolution of
42 11 marriage, is entitled to a credit to be applied to the annual
42 12 registration fee for the transferred vehicle. A credit shall
42 13 not be allowed unless the vehicle to which the credit applies
42 14 is registered within the time specified under subsection 1.
42 15 The credit shall be computed on the basis of the number of
42 16 unexpired months remaining in the registration year of the
42 17 former owner computed from the date the vehicle was
42 18 transferred, computed to the nearest whole dollar. The credit
42 19 may exceed the amount of the annual registration fee for the
42 20 transferred vehicle. When the amount of the credit is
42 21 computed to be an amount of less than ten dollars, the credit
42 22 shall be disallowed. The credit shall not be sold,
42 23 transferred, or assigned to any other person.

42 24 7. If a motor vehicle is leased and the lessee purchases
42 25 the vehicle upon termination of the lease, the lessor shall,
42 26 upon claim by the lessee with the lessor within thirty days of
42 27 the purchase, assign the annual registration fee credit and
42 28 registration plates for the leased motor vehicle to the
42 29 lessee. Credit shall be applied as provided in subsection 3.

42 30 Sec. 50. Section 321.46A, Code 2007, is amended to read as
42 31 follows:

42 32 321.46A CHANGE FROM PROPORTIONAL REGISTRATION == CREDIT.

42 33 An owner changing a vehicle's registration from
42 34 proportional registration under chapter 326 to registration
42 35 under this chapter shall be entitled to a credit on the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

43 1 vehicle's annual registration fees under this chapter. The
43 2 credit shall be allowed when the owner surrenders to the
43 3 county treasurer proof of proportional registration provided
43 4 by the department. The amount of the credit shall be
43 5 calculated based on the unexpired complete calendar months
43 6 remaining in the registration year from the date the
43 7 application is filed with the county treasurer.
43 8 Sec. 51. Section 321.52, subsections 1 and 3, Code
43 9 Supplement 2007, are amended to read as follows:
43 10 1. When a vehicle is sold outside the state for purposes
43 11 other than for junk, the owner, dealer or otherwise, shall
43 12 detach the registration plates and registration card and shall
43 13 indicate on the registration card the name and address of the
43 14 foreign purchaser or transferee over the person's signature.
43 15 Unless the registration plates are legally attached to another
43 16 vehicle, the owner shall surrender the registration plates and
43 17 registration card to the county treasurer, who shall cancel
43 18 the records, destroy the registration plates, and forward the
43 19 registration card to the department. The department shall
43 20 make a notation on the records of the out-of-state sale and,
43 21 after a reasonable period, may destroy the files for that
43 22 particular vehicle. The department is not authorized to make
43 23 a refund of annual registration fees on a vehicle sold out of
43 24 state unless it receives the registration card completed as
43 25 provided in this section.
43 26 3. When a vehicle for which a certificate of title is
43 27 issued is junked or dismantled by the owner, the owner shall
43 28 detach the registration plates and surrender the plates to the
43 29 county treasurer, unless the plates are properly assigned to
43 30 another vehicle. The owner shall also surrender the
43 31 certificate of title to the county treasurer. Upon
43 32 surrendering the certificate of title and application for
43 33 junking certificate, the county treasurer shall issue to the
43 34 person, without fee, a junking certificate, which shall
43 35 authorize the holder to possess, transport or transfer



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

44 1 ownership of the junked vehicle by endorsement of the junking
44 2 certificate. The county treasurer shall hold the surrendered
44 3 certificate of title, registration receipt, application for
44 4 junking certificate, and, if applicable, the registration
44 5 plates for a period of fourteen days following the issuance of
44 6 a junking certificate under this subsection. Within the
44 7 fourteen-day period the person who was issued the junking
44 8 certificate and to whom the vehicle was titled or assigned may
44 9 surrender to the county treasurer the junking certificate, and
44 10 upon the person's payment of appropriate fees and taxes and
44 11 payment of any credit for annual registration fees received by
44 12 the person for the vehicle under section 321.46, subsection 3,
44 13 the county treasurer shall issue to the person a certificate
44 14 of title for the vehicle. After the expiration of the
44 15 fourteen-day period, a county treasurer shall not issue a
44 16 certificate of title for a junked vehicle for which a junking
44 17 certificate is issued. The county treasurer shall cancel the
44 18 record of the vehicle and forward the certificate of title to
44 19 the department.

44 20 However, upon application the department upon a showing of
44 21 good cause may issue a certificate of title after the
44 22 fourteen-day period for a junked vehicle for which a junking
44 23 certificate has been issued. For purposes of this subsection,
44 24 "good cause" means that the junking certificate was obtained
44 25 by mistake or inadvertence. If a person's application to the
44 26 department is denied, the person may make application for a
44 27 certificate of title under the bonding procedure as provided
44 28 in section 321.24, if the vehicle qualifies as an antique
44 29 vehicle under section 321.115, subsection 1, or the person may
44 30 seek judicial review as provided under sections 17A.19 and
44 31 17A.20.

44 32 Sec. 52. Section 321.70, Code 2007, is amended to read as
44 33 follows:

44 34 321.70 DEALER VEHICLES.

44 35 A dealer registered under this chapter shall not be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

45 1 required to register any vehicle owned by the dealer which is
45 2 being held for sale or trade, provided the annual registration
45 3 fee was not delinquent at the time the vehicle was acquired by
45 4 the dealer. When a dealer ceases to hold any vehicle for sale
45 5 or trade or the vehicle otherwise becomes subject to
45 6 registration under this chapter the annual registration fee
45 7 and delinquent annual registration fee, if any, shall be due
45 8 for the registration year.

45 9 Sec. 53. Section 321.101, subsection 1, paragraph d, Code
45 10 Supplement 2007, is amended to read as follows:

45 11 d. When the department determines that the required annual
45 12 registration fee has not been paid and the fee is not paid
45 13 upon reasonable notice and demand.

45 14 Sec. 54. Section 321.101A, Code 2007, is amended to read
45 15 as follows:

45 16 321.101A REVOCATION OF REGISTRATION BY COUNTY TREASURER.

45 17 The county treasurer may revoke the registration and
45 18 registration plates of a vehicle if the annual registration
45 19 ~~fees are~~ fee or the fee for new registration is paid by check,
45 20 electronic payment, or credit card and the check, electronic
45 21 payment, or credit card is not honored by the payer's
45 22 financial institution or credit card company, upon reasonable
45 23 notice and demand. The owner of the vehicle or person in
45 24 possession of the registration and registration plates for the
45 25 vehicle shall immediately return the revoked registration and
45 26 registration plates to the appropriate county treasurer's
45 27 office.

45 28 Sec. 55. Section 321.105, Code 2007, is amended to read as
45 29 follows:

45 30 321.105 ANNUAL REGISTRATION FEE REQUIRED.

45 31 1. An annual registration fee shall be paid for each
45 32 vehicle operated upon the public highways of this state unless
45 33 the vehicle is specifically exempted under this chapter. If a
45 34 vehicle, which has been registered for the current
45 35 registration year, is transferred during the registration



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

46 1 year, the transferee shall reregister the vehicle as provided
46 2 in section 321.46.
46 3 2. The annual registration fee shall be paid to the county
46 4 treasurer at the same time the application is made for the
46 5 registration or reregistration of the motor vehicle or
46 6 trailer. An owner may, when applying for registration or
46 7 reregistration of a motor vehicle or trailer, request that the
46 8 plates be mailed to the owner's post-office address. The
46 9 owner's request shall be accompanied by a mailing fee as
46 10 determined annually by the director in consultation with the
46 11 Iowa county treasurers association.
46 12 3. Upon application by a financial institution, as defined
46 13 in section 422.61, and approval of the application by the
46 14 county treasurer, the county treasurer in any county may
46 15 authorize the financial institution to receive applications
46 16 for renewal of vehicle registrations and payment of the annual
46 17 registration fees. The annual registration fees shall be
46 18 delivered to the county treasurer at the time the county
46 19 treasurer has processed the vehicle registration application.
46 20 ~~Registration~~ Annual registration fees received with vehicle
46 21 registration applications shall be designated as public funds
46 22 only upon receipt of such funds by the county treasurer from
46 23 the financial institution.
46 24 4. In addition to the payment of an annual registration
46 25 fee for each trailer and semitrailer to be issued an annual
46 26 registration plate, an additional registration fee may be paid
46 27 for a period of two or four subsequent registration years.
46 28 5. Seriously disabled veterans who have been provided with
46 29 an automobile or other vehicle by the United States government
46 30 under the provisions of sections 1901 to 1903, Title 38 of the
46 31 United States Code, 38 U.S.C. } 1901 et seq. (1970), shall be
46 32 exempt from payment of any automobile registration fee
46 33 provided in this chapter, and shall be provided, without fee,
46 34 with a registration plate. The disabled veteran, to be able
46 35 to claim the above benefit, must be a resident of the state of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

47 1 Iowa. The disabled veteran may obtain a special or
47 2 personalized plate under section 321.34 by paying the
47 3 difference between the fee for a regular registration plate
47 4 and the fee for the special or personalized registration
47 5 plate.
47 6 Sec. 56. Section 321.106, subsections 1, 2, and 4, Code
47 7 2007, are amended to read as follows:
47 8 1. When a vehicle is registered under chapter 326 or a
47 9 motor truck, truck tractor, or road tractor is registered for
47 10 a combined gross weight exceeding five tons and there is no
47 11 delinquency and the registration is made in February or
47 12 succeeding months through November, the annual registration
47 13 fee shall be prorated for the remaining unexpired months of
47 14 the registration year. A fee shall not be required for the
47 15 month of December for a vehicle registered on a calendar year
47 16 basis on which there is no delinquency. However, except for a
47 17 vehicle registered under chapter 326, when such a vehicle is
47 18 registered in November, the vehicle may be registered for the
47 19 remaining unexpired months of the registration year or for the
47 20 remaining unexpired months of the registration year and for
47 21 the next registration year, upon payment of the applicable
47 22 registration fees.
47 23 2. When a vehicle is registered on a birth month basis and
47 24 there is no delinquency and the registration is made in the
47 25 month after the beginning of the registration year or
47 26 succeeding months, the annual registration fee shall be
47 27 prorated for the remaining unexpired months of the
47 28 registration year. A fee shall not be required for the month
47 29 of the owner's birthday for a vehicle on which there is no
47 30 delinquency. However, when a vehicle registered on a birth
47 31 month basis is registered during the eleventh month of the
47 32 registration year, the vehicle may be registered for the
47 33 remaining unexpired months of the registration year or for the
47 34 remaining unexpired months of the registration year and for
47 35 the next registration year, upon payment of the applicable



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

48 1 registration fees.

48 2 4. A reduction in the annual registration fee shall not be
48 3 allowed by the department until the applicant files
48 4 satisfactory evidence to prove that there is no delinquency in
48 5 registration.

48 6 Sec. 57. Section 321.109, subsection 3, Code 2007, is
48 7 amended to read as follows:

48 8 3. The owner of an unregistered motor vehicle or motor
48 9 vehicle for which the registration is delinquent may make
48 10 application to the county treasurer of the county of residence
48 11 or, if the unregistered or delinquent motor vehicle is
48 12 purchased by a nonresident of the state, to the county
48 13 treasurer in the county of purchase, for a temporary
48 14 thirty-day permit for a fee of twenty-five dollars. The
48 15 permit shall authorize the motor vehicle to be driven or towed
48 16 upon the highway, but shall not authorize a motor truck or
48 17 truck tractor to haul or tow a load. The permit fee shall not
48 18 be considered a registration fee or exempt the owner from
48 19 payment of all other fees, registration fees, and penalties
48 20 due. If the annual registration fee for the motor vehicle is
48 21 delinquent, the annual registration fee and penalty shall
48 22 continue to accrue until paid. The permit fee shall not be
48 23 prorated, refunded, or used as credit as provided under
48 24 section 321.46. The permit shall be displayed in the upper
48 25 left-hand corner of the rear window of all motor vehicles,
48 26 except motorcycles. Permits issued for a motorcycle shall be
48 27 attached to the rear of the motorcycle.

48 28 Sec. 58. Section 321.110, Code 2007, is amended to read as
48 29 follows:

48 30 321.110 REJECTING FRACTIONAL DOLLARS.

48 31 When the annual registration fee, computed according to
48 32 section 321.109, subsection 1, totals a fraction over a
48 33 certain number of dollars the fee shall be arrived at by
48 34 computing to the nearest even dollar.

48 35 Sec. 59. Section 321.113, Code 2007, is amended to read as



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

49 1 follows:

49 2 321.113 AUTOMATIC REDUCTION.

49 3 1. The annual registration fee for a motor vehicle shall
49 4 not be automatically reduced under this section unless the
49 5 ~~registration~~ fee is based on the value and weight of the motor
49 6 vehicle as provided in section 321.109, subsection 1.

49 7 2. If a motor vehicle is more than five model years old,
49 8 the part of the annual registration fee that is based on the
49 9 value of the vehicle shall be seventy-five percent of the rate
49 10 as fixed when the motor vehicle was new.

49 11 3. If a motor vehicle is more than six model years old,
49 12 the part of the annual registration fee that is based on the
49 13 value of the vehicle shall be fifty percent of the rate as
49 14 fixed when the motor vehicle was new.

49 15 4. If a 1994 model year or newer motor vehicle is nine
49 16 model years old or older the annual registration fee is
49 17 thirty-five dollars. For purposes of determining the portion
49 18 of the annual registration fee under this subsection that is
49 19 based upon the value of the motor vehicle, sixty percent of
49 20 the annual registration fee is attributable to the value of
49 21 the vehicle.

49 22 5. a. If a 1993 model year or older motor vehicle has
49 23 been titled in the same person's name since the vehicle was
49 24 new or the title to the vehicle was transferred prior to
49 25 January 1, 2002, the part of the annual registration fee that
49 26 is based on the value of the vehicle shall be ten percent of
49 27 the rate as fixed when the motor vehicle was new.

49 28 b. If the title of a 1993 model year or older motor
49 29 vehicle is transferred to a new owner or if such a motor
49 30 vehicle is brought into the state on or after January 1, 2002,
49 31 the annual registration fee shall not be based on the weight
49 32 and list price of the motor vehicle, but shall be as follows:

- 49 33 (1) For a motor vehicle that is model year
- 49 34 1969 or older:..... \$ 16.00
- 49 35 (2) For a motor vehicle that is model year



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

50 1 1970 through 1989:..... \$ 23.00
50 2 (3) For a motor vehicle that is model year
50 3 1990 through 1993:..... \$ 27.00
50 4 For purposes of determining the portion of the annual
50 5 registration fee under this paragraph "b" that is based upon
50 6 the value of the motor vehicle, sixty percent of the annual
50 7 registration fee is attributable to the value of the vehicle.
50 8 Sec. 60. Section 321.117, Code 2007, is amended to read as
50 9 follows:
50 10 321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES.
50 11 For all motorcycles the annual registration fee shall be
50 12 twenty dollars. For all motorized bicycles the annual
50 13 registration fee shall be seven dollars. When the motorcycle
50 14 is more than five model years old, the annual registration fee
50 15 shall be ten dollars. The annual registration fee for
50 16 ambulances and hearses shall be fifty dollars. Passenger car
50 17 plates shall be issued for ambulances and hearses.
50 18 Sec. 61. Section 321.119, Code 2007, is amended to read as
50 19 follows:
50 20 321.119 CHURCH BUSES.
50 21 For motor vehicles designed to carry nine passengers or
50 22 more which are owned and used exclusively by a church or
50 23 religious organization to transport passengers to and from
50 24 activities of or sponsored by the church or religious
50 25 organization and not operated for rent or hire for purposes
50 26 unrelated to the activities of the church or religious
50 27 organization, the annual registration fee shall be twenty-five
50 28 dollars.
50 29 Sec. 62. Section 321.121, Code 2007, is amended to read as
50 30 follows:
50 31 321.121 SPECIAL TRUCKS FOR FARM USE.
50 32 1. The annual registration fee for a special truck shall
50 33 be eighty dollars for a gross weight of six tons, one hundred
50 34 dollars for a gross weight of seven tons, one hundred twenty
50 35 dollars for a gross weight of eight tons, and in addition,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

51 1 fifteen dollars for each ton over eight tons and not exceeding
51 2 eighteen tons. The annual registration fee for a special
51 3 truck with a gross weight registration exceeding eighteen tons
51 4 but not exceeding nineteen tons shall be three hundred
51 5 twenty-five dollars and for a gross weight registration
51 6 exceeding nineteen tons but not exceeding twenty tons the
51 7 annual registration fee shall be three hundred seventy-five
51 8 dollars. The additional annual registration fee for a special
51 9 truck for a gross weight registration in excess of twenty tons
51 10 is twenty-five dollars for each ton over twenty tons and not
51 11 exceeding thirty-two tons.

51 12 2. A person convicted of or found by audit to be using a
51 13 motor vehicle registered as a special truck for any purpose
51 14 other than permitted by section 321.1, subsection 76, shall,
51 15 in addition to any other penalty imposed by law, be required
51 16 to pay regular annual motor vehicle registration fees ~~upon~~ for
51 17 such motor vehicle.

51 18 Sec. 63. Section 321.123, unnumbered paragraph 1, Code
51 19 2007, is amended to read as follows:

51 20 All trailers except farm trailers, mobile homes, and
51 21 manufactured homes, unless otherwise provided in this section,
51 22 are subject to a an annual registration fee of ten dollars.
51 23 Trailers for which the empty weight is two thousand pounds or
51 24 less are exempt from the certificate of title and lien
51 25 provisions of this chapter. Fees collected under this section
51 26 shall not be reduced or prorated under chapter 326.

51 27 Sec. 64. Section 321.123, subsection 1, unnumbered
51 28 paragraph 1, Code 2007, is amended to read as follows:

51 29 Travel trailers and fifth-wheel travel trailers, except
51 30 those in manufacturer's or dealer's stock, shall be subject to
51 31 an annual registration fee of twenty cents per square foot of
51 32 floor space computed on the exterior overall measurements, but
51 33 excluding three feet occupied by any trailer hitch as provided
51 34 by and certified to by the owner, to the nearest whole dollar.
51 35 When a travel trailer or fifth-wheel travel trailer is



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

52 1 registered in Iowa for the first time or when title is
52 2 transferred, the annual registration fee shall be prorated on
52 3 a monthly basis. The annual registration fee shall be reduced
52 4 to seventy-five percent of the full fee after the vehicle is
52 5 more than six model years old.

52 6 Sec. 65. Section 321.125, Code 2007, is amended to read as
52 7 follows:

52 8 321.125 EFFECT OF EXEMPTION.

52 9 The exemption of a motor vehicle from ~~a~~ an annual
52 10 registration fee or a fee for new registration shall not
52 11 exempt the operator of such vehicle from the performance of
52 12 any other duty imposed on the operator by this chapter.

52 13 Sec. 66. Section 321.126, Code 2007, is amended to read as
52 14 follows:

52 15 321.126 REFUNDS OF ANNUAL REGISTRATION FEES.

52 16 Refunds of unexpired annual vehicle registration fees shall
52 17 be allowed in accordance with this section, except that no
52 18 refund shall be allowed and paid if the unused portion of the
52 19 fee is less than ten dollars. Subsections 1 and 2 do not
52 20 apply to vehicles registered by the county treasurer. The
52 21 refunds shall be made as follows:

52 22 1. If the vehicle is destroyed by fire or accident, or
52 23 junked and its identity as a vehicle entirely eliminated, the
52 24 owner in whose name the vehicle was registered at the time of
52 25 destruction or dismantling shall return the plates to the
52 26 department and within thirty days thereafter make a statement
52 27 of such destruction or dismantling and make claim for refund.
52 28 With reference to the destruction or dismantling of a vehicle,
52 29 no refund shall be allowed unless a junking certificate has
52 30 been issued, as provided in section 321.52.

52 31 2. If the vehicle is stolen, the owner shall give notice
52 32 of the theft to the department within five days. If the
52 33 vehicle is not recovered by the owner thirty days prior to the
52 34 end of the current registration year, the owner shall make a
52 35 statement of the theft and make claim for refund.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

53 1 3. If the vehicle is placed in storage by the owner upon
53 2 the owner's entry into the military service of the United
53 3 States, the owner shall return the plates to the county
53 4 treasurer or the department and make a statement regarding the
53 5 storage and military service and make claim for refund.
53 6 Whenever the owner of a vehicle so placed in storage desires
53 7 to again register the vehicle, the county treasurer or
53 8 department shall compute and collect the fees for registration
53 9 for the registration year commencing in the month the vehicle
53 10 is removed from storage.

53 11 4. If the vehicle is registered by the county treasurer
53 12 during the current registration year and the owner or lessee
53 13 registers the vehicle for proportional registration under
53 14 chapter 326, the owner of the registered vehicle shall
53 15 surrender the registration plates to the county treasurer and
53 16 may file a claim for refund. In lieu of a refund, a credit
53 17 for the annual registration fees paid to the county treasurer
53 18 may be applied by the department to the owner or lessee's
53 19 proportional registration fees upon the surrender of the
53 20 county plates and registration.

53 21 5. A refund for trailers and semitrailers issued a
53 22 multiyear registration plate shall be paid by the department
53 23 upon application.

53 24 6. If a vehicle is sold or junked, the owner in whose name
53 25 the vehicle was registered may make claim to the county
53 26 treasurer or department for a refund of the sold or junked
53 27 vehicle's annual registration fee. Also if the owner of a
53 28 vehicle receives a vehicle registration fee credit under
53 29 section 321.46, subsection 3, and the credit allowed exceeds
53 30 the amount of the annual registration fee for the vehicle
53 31 acquired, the owner may claim a refund for the balance of the
53 32 credit. The refund is subject to the following limitations:

53 33 a. If a vehicle registration fee credit has not been
53 34 received by the owner of the vehicle under section 321.46,
53 35 subsection 3, the refund shall be computed on the basis of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

54 1 number of unexpired months remaining in the registration year
54 2 at the time the vehicle was sold or junked. The refund shall
54 3 be rounded to the nearest whole dollar. Section 321.127,
54 4 subsection 1, does not apply.
54 5 b. The refund shall only be allowed if the owner makes
54 6 claim for the refund within six months after the date of the
54 7 vehicle's sale, trade, or junking.
54 8 c. This subsection does not apply to vehicles registered
54 9 under chapter 326.
54 10 7. If the vehicle was leased and an affidavit was filed by
54 11 the lessor or the lessee as provided in section 321.46, the
54 12 lessor or the lessee, as applicable, may make a claim for a
54 13 refund with the county treasurer of the county where the
54 14 vehicle was registered within six months of the vehicle's
54 15 surrender to the lessor. The refund shall be paid to either
54 16 the lessor or the lessee, as specified on the application for
54 17 title and registration pursuant to section 321.20.
54 18 8. If the owner of the vehicle moves out of state, the
54 19 owner may make a claim for a refund by returning the Iowa
54 20 registration plates, along with evidence of the vehicle's
54 21 registration in another jurisdiction, to the county treasurer
54 22 of the county in which the vehicle was registered within six
54 23 months of the out-of-state registration. For purposes of
54 24 section 321.127, the unexpired months remaining in the
54 25 registration year shall be calculated on the basis of the
54 26 effective date of the out-of-state registration. However, for
54 27 the purpose of timely issuance of the refund, the claim for a
54 28 refund under this subsection is considered to be filed on the
54 29 date the registration documents are received by the county
54 30 treasurer.
54 31 9. Notwithstanding any provision of this section to the
54 32 contrary, there shall be no refund of proportional
54 33 registration fees unless the state which issued the base plate
54 34 for the vehicle allows such refund. If an owner subject to
54 35 proportional registration leases the vehicle for which the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

55 1 refund is sought, the claim shall be filed in the names of
55 2 both the lessee and the lessor and the refund payment made
55 3 payable to both the lessor and the lessee. The term "owner"
55 4 for purposes of this section shall include a person in whom is
55 5 vested right of possession or control of a vehicle which is
55 6 subject to a lease, contract, or other legal arrangement
55 7 vesting right of possession or control in addition to the term
55 8 as defined in section 321.1, subsection 49.

55 9 Sec. 67. Section 321.127, subsection 1, Code 2007, is
55 10 amended to read as follows:

55 11 1. The refund of the annual registration fee for vehicles
55 12 shall be computed on the basis of the number of unexpired
55 13 months remaining in the registration year from date of filing
55 14 of the claim for refund with the county treasurer, computed to
55 15 the nearest dollar.

55 16 Sec. 68. Section 321.132, Code 2007, is amended to read as
55 17 follows:

55 18 321.132 WHEN LIEN ATTACHES.

55 19 The lien of the original annual registration fee attaches,
55 20 at the time the fee is first payable, as provided by law, and
55 21 the lien of all renewals of registration attach on the first
55 22 day of each succeeding registration year.

55 23 Sec. 69. Section 321.134, Code Supplement 2007, is amended
55 24 to read as follows:

55 25 321.134 MONTHLY PENALTY.

55 26 1. On the first day of the second month following the
55 27 beginning of each registration year a penalty of five percent
55 28 of the annual registration fee shall be added to the annual
55 29 registration fees not paid by that date and an additional
55 30 penalty of five percent shall be added the first day of each
55 31 succeeding month, until the fee is paid. A penalty shall not
55 32 be less than five dollars. If the owner of a vehicle
55 33 surrenders the registration plates for a vehicle prior to the
55 34 plates becoming delinquent, to the county treasurer of the
55 35 county where the vehicle is registered, or to the department



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

56 1 if the vehicle is registered under chapter 326, the owner may
56 2 register the vehicle any time thereafter upon payment of the
56 3 annual registration fee for the registration year without
56 4 penalty. The penalty on vehicles registered under chapter 326
56 5 shall accrue February 1 of each year. To avoid a penalty or
56 6 an additional penalty in the case of a delinquent
56 7 registration, if the last calendar day of a month falls on
56 8 Saturday, Sunday, or a holiday, the payment deadline is
56 9 extended to include the first business day of the following
56 10 month. For payments made through a county treasurer's
56 11 authorized website only, if the last day of the month falls on
56 12 a Saturday, Sunday, or a holiday, the electronic payment must
56 13 be initiated by midnight on the first business day of the next
56 14 month. All other electronic payments must be initiated by
56 15 midnight on the last day of the month preceding the delinquent
56 16 date.

56 17 2. The annual registration fee for trucks, truck tractors,
56 18 and road tractors, as provided in sections 321.121 and
56 19 321.122, may be payable in two equal semiannual installments
56 20 if the annual registration fee exceeds the annual registration
56 21 fee for a vehicle with a gross weight exceeding five tons.
56 22 The penalties provided in subsection 1 shall be computed on
56 23 the amount of the first installment only and on the first day
56 24 of the seventh month of the registration period the same rate
56 25 of penalty shall apply to the second installment, until the
56 26 fee is paid. Semiannual installments do not apply to
56 27 commercial vehicles, as defined under section 326.2, subject
56 28 to proportional registration, with a base state other than the
56 29 state of Iowa, as defined in section 326.2, subsection 1. The
56 30 penalty on vehicles registered under chapter 326 accrues
56 31 August 1 of each year except as provided in section 326.6.
56 32 The department shall not allow the annual registration fee for
56 33 a commercial vehicle registered under chapter 326 to be paid
56 34 in two equal semiannual installments for five years after the
56 35 registrant has paid the annual registration fee late for two



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

57 1 consecutive years.

57 2 3. If a penalty applies to a an annual vehicle
57 3 registration fee provided for in sections 321.121 and 321.122,
57 4 the same penalty shall be assessed on the fees collected to
57 5 increase the registered gross weight of the vehicle, if the
57 6 increased gross weight is requested within forty-five days
57 7 from the date the delinquent vehicle is registered for the
57 8 current registration period.

57 9 4. Notwithstanding subsections 1 through 3, if a vehicle
57 10 registration is delinquent for twenty-four months or more, a
57 11 flat penalty and fee shall be assessed for the delinquent
57 12 period in addition to the current annual registration fee.
57 13 The flat penalty and fee shall be one hundred fifty percent of
57 14 the current annual registration fee.

57 15 5. The department shall waive the penalties imposed by
57 16 this section for an owner who is in the military service of
57 17 the United States and who has been relocated as a result of
57 18 being placed on active duty on or after September 11, 2001.
57 19 The department shall adopt rules to implement this subsection,
57 20 including, if necessary, procedures for refunding penalties
57 21 collected prior to March 29, 2004.

57 22 Sec. 70. Section 321.135, Code 2007, is amended to read as
57 23 follows:

57 24 321.135 WHEN FEES DELINQUENT.

57 25 Except as otherwise provided, ~~delinquencies begin annual~~
57 26 registration fees become delinquent and penalties accrue the
57 27 first of the month following the purchase of a new vehicle,
57 28 and thirty days following the date a vehicle is brought into
57 29 the state.

57 30 Sec. 71. Section 321.151, Code 2007, is amended to read as
57 31 follows:

57 32 321.151 DUTY AND LIABILITY OF TREASURER.

57 33 The county treasurer shall collect the registration fee,
57 34 the fee for new registration, and penalties on each vehicle
57 35 registered by the county treasurer and shall be responsible on



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

58 1 the county treasurer's bond for such amount. The county
58 2 treasurer shall remit such amount to the treasurer of state as
58 3 provided in this chapter. Fees collected pursuant to
58 4 participation in county issuance of driver's licenses under
58 5 chapter 321M shall be governed by the provisions of that
58 6 chapter.

58 7 Sec. 72. Section 321.152, subsection 1, Code 2007, is
58 8 amended to read as follows:

58 9 1. Four percent of the total collection, excluding the
58 10 amount of any fee for new registration, for each annual or
58 11 semiannual vehicle registration and each duplicate
58 12 registration card or plate issued.

58 13 Sec. 73. Section 321.152, Code 2007, is amended by adding
58 14 the following new subsection:

58 15 NEW SUBSECTION. 5. One dollar from each fee for new
58 16 registration collected pursuant to section 321.105A.

58 17 Sec. 74. Section 321.159, Code 2007, is amended to read as
58 18 follows:

58 19 321.159 EXCEPTIONAL CASES == ANNUAL REGISTRATION FEE.

58 20 The department shall have the power to fix the annual
58 21 registration fee on all makes and models of motor vehicles
58 22 which are not now being furnished or upon which the statement
58 23 from the factory cannot be obtained.

58 24 For a current year model of a motor vehicle for which the
58 25 manufacturer or importer of the motor vehicle has not provided
58 26 the weight and list price, the department shall set the annual
58 27 registration fee at ten dollars greater than the annual
58 28 registration fee for the previous year model. Once the
58 29 manufacturer or importer provides the required information,
58 30 the information shall be used to set the annual registration
58 31 fee or the registration renewal fee for the succeeding
58 32 registration or registration renewal time for the motor
58 33 vehicle.

58 34 Sec. 75. Section 321.170, Code 2007, is amended to read as
58 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

59 1 321.170 PLATES FOR EXEMPT VEHICLES.

59 2 The department shall furnish, on application, free of
59 3 charge, distinguishing plates for motor vehicles exempted from
59 4 a annual registration fee fees and shall keep a separate
59 5 record thereof.

59 6 Sec. 76. Section 322G.4, subsection 2, unnumbered
59 7 paragraph 2, Code 2007, is amended to read as follows:

59 8 Refunds shall be made to the consumer and lienholder of
59 9 record, if any, as their interests appear. If applicable,
59 10 refunds shall be made to the lessor and lessee as follows:
59 11 the lessee shall receive the lessee's cost less a reasonable
59 12 offset for use, and the lessor shall receive the lease price
59 13 less the aggregate deposit and rental payments previously paid
59 14 to the lessor for the leased vehicle. If it is determined
59 15 that the lessee is entitled to a refund pursuant to this
59 16 chapter, the consumer's lease agreement with the lessor is
59 17 terminated upon payment of the refund and no penalty for early
59 18 termination shall be assessed. The department of revenue
59 19 shall refund to the manufacturer any use tax or fee for new
59 20 registration which the manufacturer refunded to the consumer,
59 21 lessee, or lessor under this section, if the manufacturer
59 22 provides to the department of revenue a written request for a
59 23 refund and evidence that the use tax or fee for new
59 24 registration was paid when the vehicle was purchased and that
59 25 the manufacturer refunded the use tax or fee for new
59 26 registration to the consumer, lessee, or lessor.

59 27 Sec. 77. Section 322G.12, unnumbered paragraph 1, Code
59 28 2007, is amended to read as follows:

59 29 A manufacturer who accepts the return of a motor vehicle
59 30 pursuant to a settlement, determination, or decision under
59 31 this chapter shall notify the state department of
59 32 transportation, report the vehicle identification number of
59 33 that motor vehicle within ten days after the acceptance, and
59 34 obtain a new certificate of title for the vehicle in the
59 35 manufacturer's name pursuant to section 321.46. In obtaining



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

60 1 a new certificate of title, the manufacturer shall title the
60 2 vehicle in the county of the transferor's residence and shall
60 3 be exempt from the registration fee requirements of section
60 4 321.46. ~~For purposes of chapter 423, a manufacturer's~~
~~60 5 acceptance of the return of a motor vehicle, as described in~~
~~60 6 this section, shall not be considered "use", as defined in~~
~~60 7 section 423.1 and the fee for new registration under section~~
60 8 321.105A. The new certificate of title, and all subsequent
60 9 registration receipts and certificates of title issued for the
60 10 motor vehicle, shall contain a designation indicating that the
60 11 motor vehicle was returned to the manufacturer pursuant to
60 12 this chapter or a similar law of another state. The state
60 13 department of transportation shall determine the manner in
60 14 which the designation is to be indicated on registration
60 15 receipts and certificates of title and may determine that a
60 16 "REBUILT" or "SALVAGE" designation supersedes the designation
60 17 required by this paragraph and include the "REBUILT" or
60 18 "SALVAGE" designation on the registration receipt and
60 19 certificate of title in lieu of the designation required by
60 20 this paragraph.

60 21 Sec. 78. Section 326.2, Code 2007, is amended by adding
60 22 the following new subsection:

60 23 NEW SUBSECTION. 11A. "Registration fee" means the annual
60 24 motor vehicle registration fee imposed pursuant to section
60 25 321.105, unless otherwise specified.

60 26 Sec. 79. Section 327I.26, Code 2007, is amended to read as
60 27 follows:

60 28 327I.26 APPROPRIATION TO AUTHORITY.

60 29 Notwithstanding section 423.43, and prior to the
60 30 application of section 423.43, subsection ~~1~~ 2, ~~paragraph "b",~~
60 31 there shall be deposited into the general fund of the state
60 32 and is appropriated to the authority from ~~eighty percent of~~
60 33 the revenues derived from the operation of section 423.26, the
60 34 amounts certified by the authority under section 327I.25.
60 35 However, the total amount deposited into the general fund and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

61 1 appropriated to the Iowa railway finance authority under this
61 2 section shall not exceed two million dollars annually. Moneys
61 3 appropriated to the Iowa railway finance authority under this
61 4 section are appropriated only for the payment of principal and
61 5 interest on obligations or the payment of leases guaranteed by
61 6 the authority as provided under section 327I.25.

61 7 Sec. 80. Section 331.557, subsection 3, Code 2007, is
61 8 amended to read as follows:

61 9 3. Collect the use tax on vehicles subject ~~to registration~~
61 10 only to a certificate of title and on manufactured housing as
61 11 provided in sections section 423.14, and section 423.26, and
~~61 12 423.27, subsection 1.~~

61 13 Sec. 81. Section 423.5, subsection 3, Code 2007, is
61 14 amended to read as follows:

61 15 3. The use of leased vehicles, if the lease transaction
61 16 does not require titling or registration of the vehicle, on
61 17 the amount subject to tax as calculated pursuant to section
61 18 ~~423.27~~ 423.26, subsection 2.

61 19 Sec. 82. Section 423.36, subsection 8, paragraph b,
61 20 subparagraph (2), Code 2007, is amended to read as follows:

61 21 (2) Taxes imposed under ~~sections~~ section 423.26 and ~~423.27~~
61 22 and chapter 423C.

61 23 Sec. 83. Section 423.57, Code Supplement 2007, is amended
61 24 to read as follows:

61 25 423.57 STATUTES APPLICABLE.

61 26 The director shall administer this subchapter as it relates
61 27 to the taxes imposed in this chapter in the same manner and
61 28 subject to all the provisions of, and all of the powers,
61 29 duties, authority, and restrictions contained in sections
61 30 423.14, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21,
61 31 423.22, 423.23, 423.24, 423.25, 423.28, 423.29, 423.31,
61 32 423.32, 423.33, 423.34, 423.35, 423.37, 423.38, 423.39,
61 33 423.40, 423.41, and 423.42, section 423.43, subsection ~~3~~ 1,
61 34 and sections 423.45, 423.46, and 423.47.

61 35 Sec. 84. Section 423B.4, unnumbered paragraphs 2 and 3,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

62 1 Code 2007, are amended to read as follows:

62 2 Payment of a local vehicle tax shall be evidenced by a
62 3 notation on the state registration certificate. The director
62 4 of the department of transportation shall prescribe by rule
62 5 the type of notation. A local vehicle tax shall not be
62 6 refunded even when annual state registration fees are
62 7 refunded.

62 8 Penalties for late payment which are comparable to the
62 9 penalties for late payment of annual state registration fees
62 10 shall be imposed by the ordinance imposing a local vehicle
62 11 tax. Willful violation of a local vehicle tax ordinance is a
62 12 simple misdemeanor.

62 13 Sec. 85. Section 455D.11C, subsection 1, Code 2007, is
62 14 amended to read as follows:

62 15 1. A waste tire management fund is created within the
62 16 state treasury. ~~Moneys~~ For the fiscal year beginning July 1,
62 17 2002, through the fiscal year beginning July 1, 2006, moneys
62 18 received from each five dollar surcharge on the issuance of a
62 19 certificate of title shall be deposited as provided in section
62 20 321.52A, ~~subsection 2~~ Code 2007. Notwithstanding section
62 21 8.33, any unexpended balance in the fund at the end of each
62 22 fiscal year shall be retained in the fund. Notwithstanding
62 23 section 12C.7, any interest or earnings on investments from
62 24 moneys in the fund shall be credited to the fund. Moneys from
62 25 the fund that are expended by the department in closing or
62 26 bringing into compliance a waste tire collection site pursuant
62 27 to section 455D.11A and later recouped by the department shall
62 28 be credited to the fund.

62 29 Sec. 86. Section 455G.3, subsection 1, Code 2007, is
62 30 amended to read as follows:

62 31 1. The Iowa comprehensive petroleum underground storage
62 32 tank fund is created as a separate fund in the state treasury,
62 33 and any funds remaining in the fund at the end of each fiscal
62 34 year shall not revert to the general fund but shall remain in
62 35 the Iowa comprehensive petroleum underground storage tank



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

63 1 fund. Interest or other income earned by the fund shall be
63 2 deposited in the fund. The fund shall include moneys credited
63 3 to the fund under this section, section ~~423.43~~ 424.7,
63 4 subsection ~~1~~ 4, paragraph "a", and sections 455G.8, 455G.9,
63 5 and 455G.11, Code 2003, and other funds which by law may be
63 6 credited to the fund. The moneys in the fund are appropriated
63 7 to and for the purposes of the board as provided in this
63 8 chapter. Amounts in the fund shall not be subject to
63 9 appropriation for any other purpose by the general assembly,
63 10 but shall be used only for the purposes set forth in this
63 11 chapter. The treasurer of state shall act as custodian of the
63 12 fund and disburse amounts contained in it as directed by the
63 13 board including automatic disbursements of funds as received
63 14 pursuant to the terms of bond indentures and documents and
63 15 security provisions to trustees and custodians. The treasurer
63 16 of state is authorized to invest the funds deposited in the
63 17 fund at the direction of the board and subject to any
63 18 limitations contained in any applicable bond proceedings. The
63 19 income from such investment shall be credited to and deposited
63 20 in the fund. The fund shall be administered by the board
63 21 which shall make expenditures from the fund consistent with
63 22 the purposes of the programs set out in this chapter without
63 23 further appropriation. The fund may be divided into different
63 24 accounts with different depositories as determined by the
63 25 board and to fulfill the purposes of this chapter.

63 26 Sec. 87. Section 455G.6, subsection 4, Code 2007, is
63 27 amended to read as follows:

63 28 4. Grant a mortgage, lien, pledge, assignment, or other
63 29 encumbrance on one or more improvements, revenues, asset of
63 30 right, accounts, or funds established or received in
63 31 connection with the fund, including revenues derived from the
63 32 ~~use tax~~ environmental protection charge under section ~~423.43~~
63 33 424.7, subsection ~~1~~ 4, paragraph "a", and deposited in the
63 34 fund or an account of the fund.

63 35 Sec. 88. Section 455G.8, subsection 2, Code 2007, is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

64 1 amended to read as follows:

64 2 2. ~~USE TAX~~ ENVIRONMENTAL PROTECTION CHARGE. The revenues
64 3 derived from the ~~use tax~~ environmental protection charge
64 4 imposed under chapter 423, ~~subchapter III~~ 424. The proceeds
64 5 of the ~~use tax~~ environmental protection charge under section
64 6 ~~423.43~~ 424.7, subsection ~~±~~ 4, paragraph "a", shall be
64 7 allocated, consistent with this chapter, among the fund's
64 8 accounts, for debt service and other fund expenses, according
64 9 to the fund budget, resolution, trust agreement, or other
64 10 instrument prepared or entered into by the board or authority
64 11 under direction of the board.

64 12 Sec. 89. Section 321.115, subsection 1, as enacted by 2007
64 13 Iowa Acts, chapter 143, section 12, is amended to read as
64 14 follows:

64 15 1. A motor vehicle twenty=five years old or older may be
64 16 registered as an antique vehicle ~~upon payment of~~. The annual
64 17 registration fee is the fee provided for in section 321.113,
64 18 321.122, or 321.124. The owner of a motor vehicle registered
64 19 under this subsection may display authentic Iowa registration
64 20 plates from the model year of the motor vehicle, furnished by
64 21 the person and approved by the department, in lieu of the
64 22 current and valid Iowa registration plates issued for the
64 23 vehicle, provided that the current and valid Iowa registration
64 24 plates and the registration card issued for the vehicle are
64 25 simultaneously carried within the vehicle and are available
64 26 for inspection to any peace officer upon the officer's
64 27 request.

64 28 Sec. 90. 2007 Iowa Acts, chapter 179, section 6, is
64 29 amended to read as follows:

64 30 SEC. 6. Section 423.57, Code 2007, as amended by this Act,
64 31 is amended to read as follows:

64 32 423.57 STATUTES APPLICABLE.

64 33 The director shall administer this subchapter as it relates
64 34 to the taxes imposed in this chapter in the same manner and
64 35 subject to all the provisions of, and all of the powers,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

65 1 duties, authority, and restrictions contained in sections
65 2 423.14, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21,
65 3 423.22, 423.23, 423.24, 423.25, 423.28, 423.29, 423.31,
65 4 423.32, 423.33, 423.34, 423.34A, 423.35, 423.37, 423.38,
65 5 423.39, 423.40, 423.41, and 423.42, section 423.43, subsection
65 6 ~~3~~ 1, and sections 423.45, 423.46, and 423.47.

65 7 Sec. 91. Section 423.44, Code 2007, is repealed.

65 8 Sec. 92. PRIOR USE TAX LIABILITY. The enactment of this
65 9 Act does not affect a person's liability for any use tax,
65 10 penalty, or interest owed by the person prior to the effective
65 11 date of this Act.

65 12 Sec. 93. EFFECTIVE DATE. The section of this Act amending
65 13 2007 Iowa Acts, chapter 179, takes effect January 1, 2009.

65 14 EXPLANATION

65 15 This bill eliminates the imposition of the use tax on motor
65 16 vehicles subject to registration and the use tax on leased
65 17 motor vehicles, provides alternate sources of revenue for
65 18 purposes currently funded from revenues derived from the motor
65 19 vehicle use tax, and establishes a one-time motor vehicle
65 20 registration fee called the "fee for new registration".

65 21 DIVISION I == Currently, there are several purposes for
65 22 which motor vehicle use taxes are allocated which are not
65 23 eligible under Iowa's constitution for funding from motor
65 24 vehicle registration fees. The bill addresses those funding
65 25 needs as follows:

65 26 1. Prior to allocation from the road use tax fund, an
65 27 amount equal to 20 percent of the revenue collected from the
65 28 fee for new registration is to be credited one-half to the
65 29 road use tax fund and one-half to the primary road fund to be
65 30 used for the commercial and industrial highway network.

65 31 2. An amount equal to 1/20 of 80 percent of the revenue
65 32 collected from the fee for new registration is to be credited
65 33 for purposes of public transit assistance from revenues
65 34 derived from driver's license fees, title fees, and title fee
65 35 surcharges.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 714 continued

66 1 3. An amount equal to \$1 per year of license validity for
66 2 each issued or renewed driver's license valid for the
66 3 operation of a motorcycle shall be credited to the motorcycle
66 4 rider education fund from revenues derived from driver's
66 5 license fees, title fees, and title fee surcharges.

66 6 4. Amounts required to be transferred from the sale of
66 7 special motor vehicle registration plates for the various
66 8 purposes associated with those plates are to be credited from
66 9 revenues derived from driver's license fees, title fees, and
66 10 title fee surcharges.

66 11 5. Amounts required for certain projects on bridges over
66 12 rivers bordering the state, which are not eligible for funding
66 13 from the road use tax fund, may be credited to the primary
66 14 road fund from funds derived from trailer registration fees.

66 15 The bill provides that revenues from the automobile rental
66 16 excise tax may be used to supplement the funding available to
66 17 meet the statutory requirements for public transit assistance,
66 18 the motorcycle rider education fund, and purposes of special
66 19 registration plates.

66 20 DIVISION II == The bill establishes a new vehicle
66 21 registration fee, referred to as the "fee for new
66 22 registration", which amounts to 5 percent of the purchase
66 23 price of a vehicle subject to registration, or 5 percent of
66 24 the leased price for each vehicle subject to registration with
66 25 a gross vehicle weight rating of less than 16,000 pounds,
66 26 excluding motorcycles and motorized bicycles, which is leased
66 27 for 12 months or more. The imposition of the fee for new
66 28 registration is subject to the same exemptions currently
66 29 applicable to the use tax on vehicles. The bill provides that
66 30 the computation of a vehicle's purchase price for purposes of
66 31 the fee for new registration mirrors the computation of "sales
66 32 price" under current use tax provisions. The director of
66 33 revenue, in consultation with the department of
66 34 transportation, shall administer and enforce the fee for new
66 35 registration as nearly as possible in conjunction with the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 714 continued

67 1 administration and enforcement of the use tax law.
67 2 The fee for new registration is payable to the county
67 3 treasurer at the time application is made for a new
67 4 registration for a vehicle. As is currently the case with the
67 5 vehicle use tax, the county treasurer shall retain \$1 from the
67 6 collection of a fee for new registration, to be deposited in
67 7 the county general fund. The bill provides a mechanism for
67 8 collection of the fee by licensed vehicle dealers at the time
67 9 a vehicle is purchased and provisions for obtaining a refund
67 10 of a fee. The bill provides that a person who makes a false
67 11 statement regarding the purchase price of a vehicle commits a
67 12 fraudulent practice and is subject to the same penalties that
67 13 applied for purposes of the use tax on vehicles.
67 14 DIVISION III == The bill repeals the use tax on vehicles
67 15 subject to registration and the motor vehicle lease tax,
67 16 except for the tax on the use of leased vehicles if the lease
67 17 transaction does not require titling and registration of the
67 18 vehicle. The use tax on vehicles subject only to a
67 19 certificate of title, which applies to mobile homes, and on
67 20 manufactured homes is retained under the bill. The resulting
67 21 revenue is deposited into the road use tax fund.
67 22 DIVISION IV == The bill contains conforming amendments to
67 23 the Code relating to provisions in the bill.
67 24 LSB 5396YC 82
67 25 dea/nh/14



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 21, 2008

House Study Bill 717

HOUSE FILE
 BY (PROPOSED COMMITTEE ON LABOR
 BILL BY CHAIRPERSON OLSON)

Passed House, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the employer=employee relationship by
 2 preventing identity theft in the procurement of employment,
 3 providing for the employment classification of individuals,
 4 and providing penalties and an effective date.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TL5B 6463YC 82
 7 ak/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

PAG LIN

1 1 DIVISION I
1 2 IDENTITY THEFT
1 3 Section 1. NEW SECTION. 91F.1 IDENTITY THEFT PREVENTION
1 4 == EMPLOYERS.
1 5 1. a. An employer, as defined in section 91A.2, or the
1 6 employer's designee shall certify under oath or affirmation by
1 7 signing the form described in subsection 2, under penalty of
1 8 perjury under subsection 3, that the employer or the
1 9 employer's designee has examined, within ten business days of
1 10 hiring a new employee, as defined in section 91A.2, to work in
1 11 this state, the Iowa-issued driver's license or nonoperator's
1 12 identification card of the new employee for facial validity in
1 13 order to verify the new employee's identity.
1 14 b. The employer or the employer's designee shall make two
1 15 photocopies of the new employee's Iowa-issued driver's license
1 16 or nonoperator's identification card. The employer or the
1 17 employer's designee shall make a photocopy of the executed
1 18 form described in subsection 2. The employer or employer's
1 19 designee shall retain one photocopy of the Iowa driver's
1 20 license or nonoperator's identification card and the photocopy
1 21 of the executed form for the period of the employee's
1 22 employment and for one year after termination of the
1 23 employee's employment. The employer or the employer's
1 24 designee shall mail the executed form and the second photocopy
1 25 of the Iowa driver's license or nonoperator's identification
1 26 card to the division of labor services of the department of
1 27 workforce development within thirty days of the new employee's
1 28 hiring.
1 29 c. (1) An employer may delegate the examination,
1 30 certification, and recordkeeping to a designee, but shall be
1 31 obligated to review and shall remain responsible for the
1 32 designee's actions in paragraphs "a" and "b" relating to
1 33 examination, certification, recordkeeping, and hiring.
1 34 (2) Failure to fulfill the requirements pursuant to
1 35 paragraphs "a" and "b" shall subject an employer or an



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 717 continued

2 1 employer's designee to a civil penalty not to exceed one
2 2 thousand two hundred fifty dollars for a first violation as
2 3 determined by the labor commissioner. An employer or
2 4 employer's designee who commits a second violation within six
2 5 years of the first violation shall be subject to a civil
2 6 penalty not to exceed one thousand eight hundred seventy-five
2 7 dollars as determined by the labor commissioner. An employer
2 8 or employer's designee who commits a third or subsequent
2 9 violation within six years of the first violation shall be
2 10 subject to a civil penalty not to exceed three thousand one
2 11 hundred twenty-five dollars as determined by the labor
2 12 commissioner.

2 13 (3) If the labor commissioner determines an employer's
2 14 designee is responsible for a violation of paragraph "a" or
2 15 "b" and assigns a civil penalty to the designee, the labor
2 16 commissioner may assign a second civil penalty up to the same
2 17 amount to the employer in accordance with the employer's
2 18 responsibility under subparagraph (1).

2 19 2. The division of labor services shall prescribe and
2 20 provide a form that the employer or employer's designee shall
2 21 sign for each new employee. The form shall include a
2 22 statement that the employer or the employer's designee has
2 23 personally certified under oath or affirmation that the
2 24 employer or the employer's designee has examined the new
2 25 employee's Iowa-issued driver's license or nonoperator's
2 26 identification card and determined that the license or card
2 27 was facially valid to the best of the employer's or employer's
2 28 designee's knowledge, information, and belief, under penalty
2 29 of perjury under subsection 3. The form shall include a place
2 30 for the signee to identify whether the signee is the employer
2 31 or the employer's designee. For informational purposes for
2 32 the employer or the employer's designee, the form shall
2 33 include color examples of the back and front of an Iowa
2 34 driver's license and the back and front of an Iowa
2 35 nonoperator's identification card.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

3 1 3. a. A person who certifies under oath or affirmation a
3 2 false statement under subsection 1 commits a class "D" felony.
3 3 b. A person who procures or offers any inducement to
3 4 another to certify under oath or affirmation the requirements
3 5 of subsection 1 with the intent that the other will conceal
3 6 material facts commits a class "D" felony.
3 7 Sec. 2. NEW SECTION. 91F.2 ENFORCEMENT.
3 8 1. The labor commissioner and inspectors of the division
3 9 of labor services of the department of workforce development
3 10 have jurisdiction for investigation and enforcement in cases
3 11 where employers may be in violation of the requirements of
3 12 this chapter or rules adopted pursuant to this chapter.
3 13 2. If, upon investigation, the labor commissioner or the
3 14 labor commissioner's authorized representative believes that
3 15 an employer or an employer's designee has violated this
3 16 chapter, the labor commissioner shall with reasonable
3 17 promptness issue a citation and civil penalty.
3 18 3. Each citation shall be in writing and shall describe
3 19 with particularity the nature of the violation, including a
3 20 reference to the provision of the statute alleged to have been
3 21 violated.
3 22 4. If a citation is issued, the labor commissioner shall,
3 23 within seven days, notify the employer or employer's designee
3 24 by service in the same manner as an original notice or by
3 25 certified mail of the civil penalty, if any, proposed to be
3 26 assessed.
3 27 5. A determination by the labor commissioner as to whether
3 28 a violation of this chapter or rules adopted pursuant to this
3 29 chapter has occurred shall be considered final agency action.
3 30 6. Judicial review of any final agency action of the labor
3 31 commissioner taken pursuant to this chapter may be sought in
3 32 accordance with the terms of chapter 17A. If a petition for
3 33 judicial review is not filed within thirty days after service
3 34 of the determination of the labor commissioner, the labor
3 35 commissioner's determination shall be conclusive in connection



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

4 1 with any petition for enforcement which is filed by the labor
4 2 commissioner after the expiration of the thirty-day period.
4 3 In such case, the clerk of court, unless otherwise ordered by
4 4 the court, shall forthwith enter a decree enforcing the order
4 5 and shall transmit a copy of the decree to the labor
4 6 commissioner and the employer or employer's designee named in
4 7 the petition.

4 8 Sec. 3. Section 321.190, subsection 1, paragraph b, Code
4 9 2007, is amended to read as follows:

4 10 b. The department shall not issue a card to a person
4 11 holding a an Iowa driver's license. However, a card may be
4 12 issued to a person holding a temporary permit under section
4 13 321.181. A card may be issued to a nonresident as otherwise
4 14 prescribed in this section for the purpose of identity
4 15 verification for employment, pursuant to section 91F.1. The
4 16 card shall be identical in form to a driver's license issued
4 17 under section 321.189 except the word "nonoperator" shall
4 18 appear prominently on the face of the card. A nonoperator's
4 19 identification card issued to a person under eighteen years of
4 20 age shall contain the same information as any other
4 21 nonoperator's identification card except that the words "under
4 22 eighteen" shall appear prominently on the face of the card. A
4 23 nonoperator's identification card issued to a person eighteen
4 24 years of age or older but under twenty-one years of age shall
4 25 contain the same information as any other nonoperator's
4 26 identification card except that the words "under twenty-one"
4 27 shall appear prominently on the face of the card.

4 28 Sec. 4. Section 715A.8, subsections 2 and 3, Code 2007,
4 29 are amended to read as follows:

4 30 2. A person commits the offense of identity theft if the
4 31 person fraudulently uses or attempts to fraudulently use
4 32 identification information of another person or fictitious
4 33 person, with the intent to contract for or to obtain credit,
4 34 property, services, employment, or other benefit.

4 35 3. If the value of the credit, property, ~~or~~ services,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

5 1 employment, or other benefits exceeds one thousand dollars,
5 2 the person commits a class "D" felony. If the value of the
5 3 credit, property, ~~or~~ services, employment, or other benefits
5 4 does not exceed one thousand dollars or if a value cannot be
5 5 determined, the person commits an aggravated misdemeanor.

5 6 Sec. 5. Section 715A.9, Code 2007, is amended to read as
5 7 follows:

5 8 715A.9 VALUE FOR PURPOSES OF IDENTITY THEFT.

5 9 The value of property, ~~or~~ services, employment, or other
5 10 benefits is ~~its~~ the highest value by any reasonable standard
5 11 at the time the identity theft is committed. Any reasonable
5 12 standard includes but is not limited to market value within
5 13 the community, actual value, or replacement value.

5 14 If credit, property, ~~or~~ services, employment, or other
5 15 benefits are obtained by two or more acts from the same person
5 16 or location, or from different persons by two or more acts
5 17 which occur in approximately the same location or time period
5 18 so that the identity thefts are attributable to a single
5 19 scheme, plan, or conspiracy, the acts may be considered as a
5 20 single identity theft and the value may be the total value of
5 21 all credit, property, ~~and~~ services, employment, or other
5 22 benefits involved.

5 23

DIVISION II

5 24

EMPLOYEE CLASSIFICATION

5 25 Sec. 6. NEW SECTION. 91G.1 PURPOSE.

5 26 The purpose of this chapter is to address the practice of
5 27 misclassifying employees as independent contractors.

5 28 Sec. 7. NEW SECTION. 91G.2 DEFINITIONS.

5 29 1. "Commissioner" means the labor commissioner appointed
5 30 pursuant to section 91.2 or the labor commissioner's designee.

5 31 2. "Construction" means any constructing, altering,
5 32 reconstructing, repairing, rehabilitating, refinishing,
5 33 refurbishing, remodeling, remediating, renovating, custom
5 34 fabricating, maintenance, landscaping, improving, wrecking,
5 35 painting, decorating, demolishing, and adding to or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

6 1 subtracting from any building, structure, airport facility,
6 2 highway, roadway, street, alley, bridge, sewer, drain, ditch,
6 3 sewage disposal plant, water works, parking facility,
6 4 railroad, excavation or other project, development, real
6 5 property, or improvement, or to do any part thereof, whether
6 6 or not the performance of the work described in this
6 7 subsection involves an addition to, or fabrication into, any
6 8 structure, project, development, real property, or improvement
6 9 described in this subsection of any material or article of
6 10 merchandise.

6 11 3. "Contractor" means any person, as defined in section
6 12 4.1, engaged in construction. "Contractor" includes general
6 13 contractors, subcontractors, and the state of Iowa and its
6 14 officers, agencies, and political subdivisions.

6 15 4. "Division" means the division of labor services of the
6 16 department of workforce development.

6 17 5. "Interested party" means an individual performing
6 18 services for a contractor who alleges a violation of this
6 19 chapter.

6 20 6. "Performing services" means any constructing, altering,
6 21 reconstructing, repairing, rehabilitating, refinishing,
6 22 refurbishing, remodeling, remediating, renovating, custom
6 23 fabricating, maintenance, landscaping, improving, wrecking,
6 24 painting, decorating, demolishing, and adding to or
6 25 subtracting from any building, structure, airport facility,
6 26 highway, roadway, street, alley, bridge, sewer, drain, ditch,
6 27 sewage disposal plant, water works, parking facility,
6 28 railroad, excavation or other project, development, real
6 29 property, or improvement, or to do any part thereof, whether
6 30 or not the performance of the work described in this
6 31 subsection involves an addition to, or fabrication into, any
6 32 structure, project, development, real property, or improvement
6 33 described in this subsection of any material or article of
6 34 merchandise.

6 35 Sec. 8. NEW SECTION. 91G.3 STATUS OF INDIVIDUALS



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 717 continued

7 1 PERFORMING SERVICES.

7 2 1. An individual performing services shall be classified
7 3 as an employee if all of the following conditions in relation
7 4 to a contractor apply:

7 5 a. The individual performs services under the control or
7 6 direction of the contractor.

7 7 b. The contractor is responsible for the payment of the
7 8 individual's wages.

7 9 c. The right to discharge or terminate the working
7 10 relationship lies between the individual and the contractor.

7 11 d. The contractor is the authority in charge of the work
7 12 or for whose benefit the work is being performed.

7 13 2. An individual classified as an employee under this
7 14 section shall also be classified as an employee pursuant to
7 15 chapters 85, 85A, 85B, 88, 91A, and 96. A contractor commits
7 16 a violation of this chapter by not treating the individual so
7 17 classified under this chapter as an employee pursuant to
7 18 chapters 85, 85A, 85B, 88, 91A, and 96.

7 19 3. An individual who is an owner-operator as described in
7 20 section 85.61, subsection 11, and not deemed an employee under
7 21 that subsection shall not be classified as an employee under
7 22 this section.

7 23 Sec. 9. NEW SECTION. 91G.4 NOTICE OF LAW.

7 24 1. The commissioner shall create posters in both English
7 25 and Spanish summarizing the requirements of this chapter. The
7 26 English and Spanish versions of the poster shall be posted on
7 27 the division's internet site and on bulletin boards in the
7 28 workforce centers.

7 29 2. The commissioner shall provide the posters without
7 30 charge to contractors upon request.

7 31 3. If a contractor violates section 916.3 or 916.8 or
7 32 rules adopted pursuant to any of those sections, the
7 33 contractor shall post the English and Spanish versions of the
7 34 poster created by the commissioner. The posters shall be
7 35 posted in conspicuous locations at the places where notices to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

8 1 employees are normally posted at each job site and office of
8 2 the contractor.

8 3 Sec. 10. NEW SECTION. 91G.5 ENFORCEMENT.

8 4 1. An interested party may file a complaint with the
8 5 commissioner alleging a violation of section 91G.3, 91G.4, or
8 6 91G.8 or rules adopted pursuant to any of those sections. An
8 7 interested party who makes a complaint when the interested
8 8 party knows such representation to be false commits a simple
8 9 misdemeanor.

8 10 2. The commissioner shall adopt rules pursuant to and
8 11 consistent with chapter 17A regarding investigations to
8 12 determine whether a contractor has violated any provisions of
8 13 this chapter or any rules adopted pursuant to this chapter.

8 14 3. The commissioner shall enforce the provisions of this
8 15 chapter. The commissioner may conduct investigations in
8 16 connection with the administration and enforcement of this
8 17 chapter and may visit and inspect, at all reasonable times,
8 18 any places where individuals are performing services for a
8 19 contractor and may inspect, at all reasonable times, documents
8 20 related to the determination of whether an individual is an
8 21 employee under section 91G.3.

8 22 4. The commissioner and an employee of the commissioner
8 23 shall be indemnified for any damages and legal expenses
8 24 incurred as a result of the good-faith performance of the
8 25 employee's official duties under this chapter, in regard to
8 26 any claim for civil damages not specifically covered by the
8 27 Iowa tort claims Act, chapter 669.

8 28 5. The commissioner may compel by subpoena the attendance
8 29 and testimony of witnesses and the production of books,
8 30 payrolls, records, papers, and other evidence in an
8 31 investigation and may administer oaths to witnesses.

8 32 6. Upon the failure or refusal of any person to obey a
8 33 subpoena, the commissioner may petition a district court of
8 34 competent jurisdiction, and upon proper showing, the court may
8 35 enter an order compelling the witness to appear and testify or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 717 continued

9 1 produce documentary evidence. Failure to obey the court order
9 2 is punishable as contempt of court.

9 3 7. A determination by the commissioner as to whether a
9 4 violation of section 91G.3, 91G.4, or 91G.8 or rules adopted
9 5 pursuant to any of those sections has occurred shall be
9 6 considered final agency action under chapter 17A.

9 7 8. If the commissioner determines upon investigation that
9 8 a violation of section 91G.3, 91G.4, or 91G.8 or rules adopted
9 9 pursuant to any of those sections has occurred, the
9 10 commissioner may do any of the following:

9 11 a. Issue and cause to be served on any party an order to
9 12 cease and desist from any further violation.

9 13 b. Take affirmative or other action as deemed reasonable
9 14 to eliminate the effect of any violation.

9 15 c. Collect the amount of any wages, salary, employment
9 16 benefits, or other compensation denied or lost to an
9 17 individual.

9 18 d. Assess any civil penalty allowed by this chapter.

9 19 e. Refer matters to the county attorney upon determining
9 20 that a criminal violation may have occurred.

9 21 9. Judicial review of any final agency action of the
9 22 commissioner taken pursuant to this section may be sought in
9 23 accordance with the terms of chapter 17A. If a petition for
9 24 judicial review is not filed within thirty days after service
9 25 of the determination of the commissioner, the commissioner's
9 26 determination shall be conclusive in connection with any
9 27 petition for enforcement filed by the commissioner and in such
9 28 case, the clerk of court, unless otherwise ordered by the
9 29 court, shall forthwith enter a decree enforcing the
9 30 commissioner's determination and shall transmit a copy of the
9 31 decree to the commissioner and the contractor named in the
9 32 petition.

9 33 10. A contractor shall not be liable under this chapter
9 34 for any other contractor's failure to properly classify
9 35 individuals.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 717 continued

10 1 11. In any civil action to enforce the provisions of this
10 2 chapter, the commissioner may be represented by an attorney
10 3 employed by the division or, at the commissioner's request, by
10 4 the attorney general.

10 5 Sec. 11. NEW SECTION. 91G.6 PENALTIES.

10 6 1. A contractor who violates section 91G.3, 91G.4, or
10 7 91G.8 or rules adopted pursuant to one of those sections is
10 8 subject to a civil penalty not to exceed one thousand two
10 9 hundred fifty dollars for a first violation as determined by
10 10 the commissioner. A contractor is subject to a civil penalty
10 11 not to exceed one thousand eight hundred seventy-five dollars
10 12 for a second violation occurring within six years of a first
10 13 violation as determined by the commissioner. A contractor
10 14 shall be subject to a civil penalty not to exceed three
10 15 thousand one hundred twenty-five dollars for a third or
10 16 successive violation occurring within six years of a first
10 17 violation as determined by the commissioner.

10 18 2. A contractor who violates any provision of section
10 19 91G.3, 91G.4, or 91G.8 or rules adopted pursuant to one of
10 20 those sections commits a simple misdemeanor. A contractor who
10 21 commits such a second violation within six years of a first
10 22 violation commits a serious misdemeanor. A contractor who
10 23 commits such a third or subsequent violation within six years
10 24 of a first violation commits an aggravated misdemeanor.

10 25 3. A contractor who obstructs the commissioner, the
10 26 employee of the commission, or another person authorized to
10 27 inspect places where individuals are performing services for a
10 28 contractor is subject to a civil penalty not to exceed one
10 29 thousand eight hundred seventy-five dollars.

10 30 4. Each violation described in this section for each
10 31 individual and for each day the violation continues
10 32 constitutes a separate and distinct violation. In determining
10 33 the amount of a civil penalty, the commissioner shall consider
10 34 the appropriateness of the civil penalty to the contractor and
10 35 the gravity of the violation.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 717 continued

11 1 Sec. 12. NEW SECTION. 91G.7 STATE CONTRACT PROHIBITION.
11 2 For a second or subsequent violation of section 916.3 or
11 3 916.4 determined by the commissioner to have occurred within
11 4 six years of an earlier violation or for a first or subsequent
11 5 violation of section 91G.8, the commissioner shall add the
11 6 contractor's name to a list to be posted on the division's
11 7 internet site and notify the violating contractor of the
11 8 posting. A state contract shall not be awarded to a
11 9 contractor whose name appears on the list until three years
11 10 have elapsed from the date of the determination of the last
11 11 violation.

11 12 Sec. 13. NEW SECTION. 91G.8 RETALIATION.
11 13 1. A contractor or contractor's agent shall not retaliate
11 14 through discharge or in any other manner against an individual
11 15 for any of the following:
11 16 a. Making a good-faith complaint to the commissioner or to
11 17 a state or federal agency regarding a violation of section
11 18 91G.3 or 91G.4.
11 19 b. Testifying or otherwise cooperating in an investigation
11 20 or proceeding under this chapter.

11 21 2. Such retaliation shall subject a contractor or
11 22 contractor's agent to civil penalties and a prohibition on
11 23 being awarded state contracts pursuant to this chapter and may
11 24 give rise to a private right of action.

11 25 Sec. 14. NEW SECTION. 91G.9 DISPOSITION OF PENALTIES.
11 26 Any penalties assessed and collected by the commissioner
11 27 pursuant to this chapter shall be deposited in the general
11 28 fund of the state.

11 29 Sec. 15. NEW SECTION. 91G.10 PRIVATE RIGHT OF ACTION.
11 30 1. An individual, who has not received compensatory
11 31 damages under section 91G.5, alleging a contractor's violation
11 32 of this chapter or a rule adopted pursuant to this chapter and
11 33 damages may file suit in district court against the
11 34 contractor, in the county where the alleged violation
11 35 occurred, or where any person who is party to the action



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

12 1 resides, without regard to exhaustion of any alternative
12 2 administrative remedies provided in this chapter. Actions may
12 3 be brought by one or more aggrieved individuals for and on
12 4 behalf of themselves and other individuals similarly situated.
12 5 2. If it is established that an individual has been
12 6 damaged through a proceeding under subsection 1 by a
12 7 contractor who has violated a provision of this chapter or a
12 8 rule adopted pursuant to this chapter, the individual shall be
12 9 entitled to collect the following:
12 10 a. The amount of any wages, salary, employment benefits,
12 11 or other compensation denied or lost to the individual due to
12 12 the violation or a retaliatory action, and court costs and
12 13 interest at the statutory rate from the date of filing.
12 14 b. Punitive damages, not to exceed five times the amount
12 15 awarded in paragraph "a".
12 16 3. The right of a damaged individual to bring an action
12 17 under this section terminates five years from the date of the
12 18 alleged violation by the contractor.
12 19 Sec. 16. NEW SECTION. 91G.11 COOPERATION.
12 20 1. The commissioner, the division of the department of
12 21 workforce development that administers unemployment insurance
12 22 services, the division of workers' compensation, and the
12 23 department of revenue shall cooperate under this chapter by
12 24 sharing information concerning possible misclassification by a
12 25 contractor of one or more of the contractor's employees as
12 26 independent contractors.
12 27 2. Upon determining that a contractor misclassified one or
12 28 more employees as independent contractors in violation of this
12 29 chapter, the commissioner shall notify the division
12 30 administering unemployment insurance services, the division of
12 31 workers' compensation, and the department of revenue, each of
12 32 which shall investigate the contractor's compliance with
12 33 applicable laws.
12 34 3. Cooperation under this chapter shall be considered a
12 35 duty of office for the commissioner or the commissioner's



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

13 1 designee and the heads of the state agencies named in
13 2 subsection 1 or their designees. Failure to so cooperate
13 3 constitutes a violation of section 721.2, subsection 6.
13 4 Sec. 17. Section 85.61, subsection 11, paragraph b, Code
13 5 Supplement 2007, is amended to read as follows:

13 6 b. (1) "Worker" or "employee" includes an inmate as
13 7 defined in section 85.59 and a person described in section
13 8 85.60.

13 9 (2) "Worker" or "employee" includes an individual who is
13 10 classified as an employee pursuant to section 91G.3.

13 11 Sec. 18. Section 86.45, subsection 2, Code 2007, is
13 12 amended by adding the following new paragraph:

13 13 NEW PARAGRAPH. j. To cooperate with the division of labor
13 14 services, the division of the department of workforce
13 15 development that administers unemployment insurance services,
13 16 and the department of revenue pursuant to chapter 91G by
13 17 sharing information concerning possible misclassification of
13 18 one or more employees as independent contractors.

13 19 Sec. 19. Section 88.3, subsection 4, Code 2007, is amended
13 20 to read as follows:

13 21 4. "Employee" means an employee of an employer who is
13 22 employed in a business of the employer. "Employee" also means
13 23 an inmate as defined in section 85.59, when the inmate works
13 24 in connection with the maintenance of the institution, in an
13 25 industry maintained in the institution, or while otherwise on
13 26 detail to perform services for pay. "Employee" also means a
13 27 volunteer involved in responses to hazardous waste incidences.
13 28 The employer of a volunteer is that entity which provides or
13 29 which is required to provide workers' compensation coverage
13 30 for the volunteer. "Employee" includes an individual who is
13 31 classified as an employee pursuant to section 91G.3.

13 32 Sec. 20. Section 91A.2, subsection 3, unnumbered paragraph
13 33 1, Code 2007, is amended to read as follows:

13 34 "Employee" means a natural person who is employed in this
13 35 state for wages by an employer. Employee also includes a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

14 1 commission salesperson who takes orders or performs services
14 2 on behalf of a principal and who is paid on the basis of
14 3 commissions but does not include persons who purchase for
14 4 their own account for resale. "Employee" includes an
14 5 individual who is classified as an employee pursuant to

14 6 section 91G.3. For the purposes of this chapter, the
14 7 following persons engaged in agriculture are not employees:
14 8 Sec. 21. Section 96.11, Code Supplement 2007, is amended
14 9 by adding the following new subsection:

14 10 NEW SUBSECTION. 17. INTERAGENCY COOPERATION.

14 11 a. The director and the department shall cooperate with
14 12 the division of labor services, the division of workers'
14 13 compensation, and the department of revenue pursuant to
14 14 chapter 91G by sharing information concerning possible
14 15 misclassification of employees as independent contractors.

14 16 b. Cooperation under this chapter shall be considered a
14 17 duty of office for the heads of the state agencies named in
14 18 subsection 1 or their designees. Failure to so cooperate
14 19 constitutes a violation of section 721.2, subsection 6.

14 20 Sec. 22. Section 96.19, subsection 18, paragraph a,
14 21 subparagraph (2), Code 2007, is amended to read as follows:

14 22 (2) Any individual who, under the usual common law rules
14 23 applicable in determining the employer=employee relationship,
14 24 has the status of an employee, or any individual who is
14 25 classified as an employee pursuant to section 91G.3, or

14 26 DIVISION III

14 27 CORRESPONDING AMENDMENTS

14 28 Sec. 23. Section 84A.5, subsection 4, Code Supplement
14 29 2007, is amended to read as follows:

14 30 4. The division of labor services is responsible for the
14 31 administration of the laws of this state under chapters 88,
14 32 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 91G,
14 33 92, and 94A, and section 85.68. The executive head of the
14 34 division is the labor commissioner, appointed pursuant to
14 35 section 91.2.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

15 1 Sec. 24. Section 91.4, subsection 5, Code Supplement 2007,
15 2 is amended to read as follows:

15 3 5. The director of the department of workforce
15 4 development, in consultation with the labor commissioner,
15 5 shall, at the time provided by law, make an annual report to
15 6 the governor setting forth in appropriate form the business
15 7 and expense of the division of labor services for the
15 8 preceding year, the number of disputes or violations processed
15 9 by the division and the disposition of the disputes or
15 10 violations, and other matters pertaining to the division which
15 11 are of public interest, together with recommendations for
15 12 change or amendment of the laws in this chapter and chapters
15 13 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 91F, 91G,
15 14 92, and 94A, and section 85.68, and the recommendations, if
15 15 any, shall be transmitted by the governor to the first general
15 16 assembly in session after the report is filed.

15 17 DIVISION IV

15 18 SEVERABILITY AND EFFECTIVE DATE

15 19 Sec. 25. SEVERABILITY. The provisions of this Act are
15 20 severable in the manner provided by section 4.12.

15 21 Sec. 26. EFFECTIVE DATE. This Act takes effect January 1,
15 22 2009.

15 23 EXPLANATION

15 24 DIVISION I. This division of this bill creates new Code
15 25 chapter 91F and relates to the crime of identity theft for the
15 26 benefit of gaining employment in this state.

15 27 Code section 91F.1(1) requires employers to verify the
15 28 identity of each new employee hired to work in the state by
15 29 examining an Iowa-issued driver's license or nonoperator's
15 30 identification card for facial validity within 10 days after
15 31 hiring. The employer or employer's designee must certify
15 32 under oath or affirmation by signing a form under penalty of
15 33 perjury that the license or card was examined. The employer
15 34 or employer's designee is required to photocopy the license or
15 35 card and the executed form and retain a photocopy of each for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

16 1 the duration of the employee's employment and one year after
16 2 the end of the employee's employment. The employer or
16 3 employer's designee must mail the original executed form and a
16 4 photocopy of the license or card to the division of labor
16 5 services of the department of workforce development within 30
16 6 days of the new employee's hiring. An employer may give
16 7 someone else the authority to hire new employees, examine the
16 8 license or card, and handle recordkeeping duties but the
16 9 employer shall remain responsible for the designee's actions.
16 10 If the form and photocopy are not sent to the division, the
16 11 employer or employer's designee faces civil penalties that are
16 12 detailed in the bill. If the labor commissioner determines
16 13 that the employer's designee is responsible for the violation,
16 14 the employer may face a corresponding civil penalty.
16 15 Code section 91F.1(2) requires the division of labor to
16 16 create a form that the employer or employer's designee must
16 17 sign for each new employee. The form will include a statement
16 18 that the employer or employer's designee has personally
16 19 certified under oath or affirmation under penalty of perjury
16 20 that the employer or employer's designee examined an
16 21 Iowa-issued driver's license or nonoperator's identification
16 22 card and determined that the license or card was facially
16 23 valid to the best of the employer's or designee's knowledge,
16 24 information, and belief. The form must indicate if the signee
16 25 is the employer or the employer's designee. The form shall
16 26 include color examples of the front and back of both an Iowa
16 27 driver's license and nonoperator's identification card.
16 28 Code section 91F.1(3) states that a person who commits
16 29 perjury under Code section 91F.1(1) commits a class "D"
16 30 felony. Additionally, a person who suborns perjury also
16 31 commits a class "D" felony. A class "D" felony is punishable
16 32 by confinement for no more than five years and a fine of at
16 33 least \$750 but not more than \$7,500.
16 34 Code section 91F.2 sets out the enforcement provisions of
16 35 Code chapter 91F. The labor commissioner and the division of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 717 continued

17 1 labor services of the department of workforce development will
17 2 investigate and enforce cases where an employer or employer's
17 3 designee violates the requirements of or rules adopted
17 4 pursuant to Code chapter 91F.

17 5 If upon investigation, the commissioner believes that an
17 6 employer or employer's designee has violated Code chapter 91F,
17 7 the commissioner will issue a citation and civil penalty. The
17 8 citation will be in writing and describe the nature of the
17 9 violation. A determination by the commissioner as to whether
17 10 a violation of Code chapter 91F or rules adopted pursuant to
17 11 the Code chapter has occurred is considered final agency
17 12 action.

17 13 Judicial review of a final agency action by the
17 14 commissioner may be taken within 30 days according to the
17 15 terms of Code chapter 17A. If no petition for judicial review
17 16 is filed within 30 days, the commissioner's determination is
17 17 considered conclusive for any petition for enforcement that
17 18 the commissioner may file. Upon petition by the commissioner,
17 19 the clerk of court, unless otherwise ordered by the court,
17 20 shall enter a decree enforcing the order.

17 21 Currently an Iowa operator's identification card cannot be
17 22 issued to anyone who has a driver's license from any other
17 23 state. Code section 321.190(1)(b) is amended to continue to
17 24 prohibit only a person with an Iowa driver's license from
17 25 receiving a nonoperator's identification card. The amendment
17 26 allows a card to be issued to a resident with a temporary
17 27 permit or to a nonresident, with or without a non-Iowa
17 28 driver's license, for the purpose of identity verification for
17 29 employment.

17 30 Code section 715A.8(2), which creates the crime of identity
17 31 theft, is amended to include the elements of attempting to
17 32 fraudulently use the identification information of a
17 33 fictitious person to contract for various benefits, including
17 34 to obtain employment. Code section 715A.8(3) is amended to
17 35 include employment and other benefits as value derived from



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 717 continued

18 1 committing identity theft and to provide that if identity
18 2 theft is committed but no value can be determined, the person
18 3 commits an aggravated misdemeanor, which is punishable by
18 4 confinement for no more than two years and a fine of at least
18 5 \$625 but not more than \$6,250.
18 6 Code section 715A.9 is amended to include employment and
18 7 other benefits for determining the value derived from
18 8 committing identity theft.
18 9 DIVISION II. This division of the bill creates Code
18 10 chapter 91G and relates to the classification of individuals
18 11 as employees or independent contractors.
18 12 Code section 91G.1 addresses the purpose of the chapter.
18 13 Code section 91G.2 includes definitions pertinent to the
18 14 chapter.
18 15 Code section 91G.3 classifies the status of individuals
18 16 performing services. Code section 91G.3(1) provides the
18 17 criteria for determining the status of an individual as an
18 18 employee. Code section 91G.3(2) provides that an individual
18 19 classified as an employee under this Code section also
18 20 qualifies as an employee for the purposes of Code chapters 85,
18 21 85A, and 85B (workers' compensation), 88 (occupational safety
18 22 and health), 91A (wage payment collection), and 96
18 23 (unemployment compensation). It is a violation of Code
18 24 chapter 91G to fail to properly classify an individual as an
18 25 employee under these Code chapters. Code section 91G.3(3)
18 26 provides that an individual who is an owner-operator as
18 27 described in Code section 85.61(11) shall not be classified as
18 28 an employee under Code section 91G.3.
18 29 Code section 91G.4 requires the commissioner to create
18 30 posters in both English and Spanish that summarize the Code
18 31 chapter requirements. If a contractor is found to have
18 32 violated Code sections 91G.3 or 91G.8, the contractor must
18 33 post the posters in both languages in conspicuous places at
18 34 all job sites and offices.
18 35 Code section 91G.5 provides enforcement provisions. In



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

19 1 Code section 91G.5(1), an interested party may file a
19 2 complaint alleging a violation of this Code chapter. However,
19 3 a party who knowingly makes a false complaint commits a simple
19 4 misdemeanor, which is punishable by confinement for no more
19 5 than 30 days or a fine of at least \$65 but not more than \$625
19 6 or by both. Under Code section 91G.5(2), the commissioner is
19 7 charged with establishing rules consistent with Code chapter
19 8 17A. In Code section 91G.5(3), the commissioner is charged
19 9 with investigating complaints and conducting investigations.
19 10 Under Code section 91G.5(4), the commissioner and employees
19 11 are indemnified for damages and legal expenses incurred as a
19 12 result of the good-faith performance of their job duties
19 13 against any claims not covered by Code chapter 669, the Iowa
19 14 tort claims Act. Under Code section 91G.5(5), the
19 15 commissioner may administer oaths and issue subpoenas to
19 16 access witnesses and documents, payroll records, and other
19 17 evidence in order to advance an investigation. Code section
19 18 91G.5(6) allows the commissioner or the commissioner's
19 19 investigators to commence a contempt action in court
19 20 commanding a person to obey the order of the commissioner
19 21 issued under Code chapter 91G or be adjudged guilty of
19 22 contempt of court.
19 23 Under Code section 91G.5(7), a determination by the
19 24 commissioner about whether a violation has occurred is final
19 25 agency action. Under Code section 91G.5(8), when the
19 26 commissioner determines there has been a violation, the
19 27 commissioner may take specific actions, including cease and
19 28 desist, individual compensatory, and civil penalty remedies.
19 29 Under Code section 91G.5(9), judicial review of a final
19 30 agency action by the commissioner may be instituted within 30
19 31 days according to the terms of Code chapter 17A. If no
19 32 petition of review is filed within 30 days, the commissioner's
19 33 findings are considered conclusive for any petition for
19 34 enforcement that the commissioner may file. Upon petition by
19 35 the commissioner, the clerk of the court, unless otherwise



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

20 1 ordered by the court, shall enter a decree enforcing the
20 2 order.

20 3 In Code section 91G.5(10), a contractor is not responsible
20 4 for any other contractor's failure to properly classify
20 5 individuals who perform services for the contractor. In Code
20 6 section 91G.5(11), in a civil action, the commissioner may
20 7 choose to be represented by a departmental attorney or the
20 8 attorney general.

20 9 Code section 91G.6 deals with the penalties. In Code
20 10 section 91G.6(1), a contractor who violates this Code chapter
20 11 or any rule adopted pursuant to this Code chapter shall be
20 12 subject to a civil penalty not to exceed \$1,250 for the first
20 13 violation, up to \$1,875 for a second violation within six
20 14 years of the first, and up to \$3,125 for a third or successive
20 15 violation within six years of the first violation.

20 16 Under Code section 91G.6(2), a contractor who violates any
20 17 provision of this Code chapter or any rule adopted pursuant to
20 18 this Code chapter commits a simple misdemeanor, which is
20 19 punishable by confinement for no more than 30 days or a fine
20 20 of at least \$65 but not more than \$625 or by both. A
20 21 contractor who commits a second violation within a six-year
20 22 period commits a serious misdemeanor, which is punishable by
20 23 confinement for no more than one year and a fine of at least
20 24 \$315 but not more than \$1,875. A contractor who commits a
20 25 third or subsequent violation within a six-year period commits
20 26 an aggravated misdemeanor, which is punishable by confinement
20 27 for no more than two years and a fine of at least \$625 but not
20 28 more than \$6,250. Under Code section 91G.6(3), any contractor
20 29 who obstructs the commissioner's inspection of places of
20 30 employment shall be liable for a civil penalty of up to
20 31 \$1,875. Under Code section 91G.6(4), each violation for each
20 32 individual and for each day the violation continues
20 33 constitutes a separate and distinct violation. In determining
20 34 the amount of a penalty, the commissioner shall consider the
20 35 appropriateness of the penalty to the contractor and the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 717 continued

21 1 gravity of the violation.

21 2 Code section 91G.7 provides that if a contractor is found
21 3 to have violated a provision of Code section 91G.3 or 91G.4 a
21 4 second or subsequent time within six years of an earlier
21 5 violation or is found to have violated, for a first or
21 6 subsequent time, Code section 91G.8, the contractor's name
21 7 shall be posted on the division's internet site. A state
21 8 contract shall not be awarded to a contractor whose name
21 9 appears on the posting until three years have passed from the
21 10 date of the last violation determination.

21 11 Code section 91G.8 makes it a violation of the Code chapter
21 12 for a contractor or a contractor's agent to retaliate in any
21 13 way against an individual for making a good-faith complaint or
21 14 cooperating in an investigation. Retaliation subjects the
21 15 contractor to civil penalties, to being banned from state
21 16 contracts, and a possible private right of action.

21 17 Under Code section 91G.9, any civil penalties collected by
21 18 the commissioner shall be deposited in the general fund of the
21 19 state.

21 20 In Code section 91G.10, if an individual has not received
21 21 compensatory damages under Code section 91G.5, then the
21 22 individual who is damaged by an alleged Code chapter 91G
21 23 violation may file suit in district court in the county where
21 24 the alleged violation occurred or where any person who is
21 25 party to the violation resides and may do so without
21 26 exhausting any alternative administrative remedies in Code
21 27 chapter 91G. If it is established that an individual has been
21 28 damaged through a proceeding under Code section 91G.10,
21 29 remedies include compensatory damages, court costs and
21 30 interest, and punitive damages up to five times the amount of
21 31 the compensatory damages and court costs. The right to bring
21 32 a private action terminates five years after the date of the
21 33 alleged violation.

21 34 Code section 91G.11(1) requires the commissioner, the
21 35 division of unemployment insurance, the division of workers'



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 717 continued

22 1 compensation, and the department of revenue to all cooperate
22 2 by sharing information about possible misclassifications by
22 3 contractors. Under Code section 91G.11(2), the commissioner
22 4 shall notify the other agencies when a misclassification
22 5 violation is determined, and the other agencies shall
22 6 investigate. Code section 91G.11(3) makes cooperation and
22 7 investigation among the commissioner and the heads of the
22 8 state agencies a duty of office; failing to cooperate,
22 9 pursuant to Code section 721.2(6), results in a simple
22 10 misdemeanor, which is punishable by confinement for no more
22 11 than 30 days or a fine of at least \$65 but not more than \$625
22 12 or by both.

22 13 The definition of "employee" in new Code section 91G.3 is
22 14 essentially incorporated as part of the definitions of
22 15 "employee" in the following amended Code sections: 85.61,
22 16 86.45, 88.3, 91A.2, and 96.19.

22 17 Code section 96.11 is amended by adding a new subsection
22 18 for interagency cooperation. The subsection requires the
22 19 director of the department of workforce development and the
22 20 department of workforce development, the divisions of labor
22 21 and workers' compensation, and the department of revenue to
22 22 all cooperate by sharing information about possible
22 23 misclassifications of employees by contractors. Cooperation
22 24 and investigation among the heads of the state agencies is
22 25 considered a duty of office; failing to cooperate, pursuant to
22 26 Code section 721.2(6), results in a simple misdemeanor, which
22 27 is punishable by confinement for no more than 30 days or a
22 28 fine of at least \$65 but not more than \$625 or by both.

22 29 DIVISION III. In Code sections 84A.5 and 91.4 the division
22 30 of labor of the department of workforce development is given
22 31 responsibility for administration for new Code chapters 91F
22 32 and 91G and filing of annual reports about matters pertaining
22 33 to these Code chapters, respectively.

22 34 DIVISION IV. The provisions of the bill are severable as
22 35 provided by Code section 4.12.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 717 continued

23 1 The bill takes effect January 1, 2009.
23 2 LSB 6463YC 82
23 3 ak/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718

SENATE/HOUSE FILE
BY (PROPOSED PUBLIC EMPLOYMENT
RELATIONS BOARD BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

- 1 An Act concerning public employee collective bargaining.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5461XD 82
- 4 ec/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

PAG LIN

1 1 Section 1. Section 20.1, subsection 7, Code 2007, is
1 2 amended to read as follows:

1 3 7. ~~Assisting the attorney general in the preparation of~~
1 4 Preparing legal briefs and ~~the presentation of~~ presenting oral
1 5 arguments in the district court, the court of appeals, and the
1 6 supreme court in cases affecting the board.

1 7 Sec. 2. Section 20.3, subsection 4, Code 2007, is amended
1 8 to read as follows:

1 9 4. "Employee organization" means an organization of any
1 10 kind in which public employees participate and which exists
1 11 for the primary purpose of representing ~~public~~ employees in
1 12 their employment relations.

1 13 Sec. 3. Section 20.5, subsection 5, Code Supplement 2007,
1 14 is amended to read as follows:

1 15 5. Members of the board and ~~other~~ employees of the board
1 16 shall be allowed their actual and necessary expenses incurred
1 17 in the performance of their duties. All expenses and salaries
1 18 shall be paid from appropriations for such purposes and the
1 19 board shall be subject to the budget requirements of chapter
1 20 8.

1 21 Sec. 4. Section 20.6, subsection 3, Code 2007, is amended
1 22 to read as follows:

1 23 3. Establish minimum qualifications for arbitrators, fact=
1 24 finders, and mediators, establish procedures for appointing,
1 25 maintaining, and removing from a list persons representative
1 26 of the public to be available to serve as arbitrators, fact=
1 27 finders, and mediators, and establish compensation rates for
1 28 arbitrators, fact=finders, and mediators.

1 29 Sec. 5. Section 20.10, subsection 2, paragraph f, Code
1 30 2007, is amended to read as follows:

1 31 f. Deny the rights accompanying certification ~~or exclusive~~
1 32 ~~recognition~~ granted in this chapter.

1 33 Sec. 6. Section 20.10, subsection 3, paragraph b, Code
1 34 2007, is amended to read as follows:

1 35 b. Interfere, restrain, or coerce a public employer with



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

2 1 respect to rights granted in this chapter or with respect to
2 2 selecting a representative for the purposes of negotiating
2 3 collectively ~~on~~ or the adjustment of grievances.

2 4 Sec. 7. Section 20.10, subsection 3, paragraph f, Code
2 5 2007, is amended to read as follows:

2 6 f. Violate the provisions of sections 732.1 to 732.3,
2 7 which are hereby made applicable to public employers, public
2 8 employees, and ~~public~~ employee organizations.

2 9 Sec. 8. Section 20.10, subsection 4, Code 2007, is amended
2 10 to read as follows:

2 11 4. The expressing of any views, argument or opinion, or
2 12 the dissemination thereof, whether orally or in written,
2 13 printed, graphic, or visual form, shall not constitute or be
2 14 evidence of any ~~unfair labor~~ prohibited practice under any of
2 15 the provisions of this chapter, if such expression contains no
2 16 threat of reprisal or force or promise of benefit.

2 17 Sec. 9. Section 20.11, subsections 1, 2, and 3, Code 2007,
2 18 are amended to read as follows:

2 19 1. Proceedings against a party alleging a violation of
2 20 section 20.10, shall be commenced by filing a complaint with
2 21 the board within ninety days of the alleged violation, causing
2 22 a copy of the complaint to be served upon the accused party ~~in~~
~~2 23 the manner of an original notice as provided in this chapter.~~

2 24 The accused party shall have ten days within which to file a
2 25 written answer to the complaint. However, the board may
2 26 conduct a preliminary investigation of the alleged violation,
2 27 and if the board determines that the complaint has no basis in
2 28 fact, the board may dismiss the complaint. The board shall
2 29 promptly thereafter set a time and place for hearing in the
2 30 county where the alleged violation occurred, provided,
2 31 however, that the presiding officer may conduct the hearing
2 32 through the use of technology from a remote location. The
2 33 parties shall be permitted to be represented by counsel,
2 34 summon witnesses, and request the board to subpoena witnesses
2 35 on the requester's behalf. Compliance with the technical



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

3 1 rules of pleading and evidence shall not be required.

3 2 2. The board may designate one of its members, an
3 3 administrative law judge, or any other qualified person
3 4 employed by the board to ~~conduct~~ serve as the presiding
3 5 officer at the hearing. The ~~administrative law judge~~

3 6 presiding officer has the powers as may be exercised by the
3 7 board for conducting the hearing and shall follow the
3 8 procedures adopted by the board for conducting the hearing.

3 9 The proposed decision of the ~~administrative law judge~~
3 10 presiding officer may be appealed to the board ~~and the board~~

~~3 11 may hear the case de novo or upon the record as submitted~~
~~3 12 before the administrative law judge, utilizing procedures~~
~~3 13 governing appeals to the district court in this section so far~~
~~3 14 as applicable, or reviewed on motion of the board, in~~
3 15 accordance with the provisions of chapter 17A.

3 16 3. The board shall appoint a certified shorthand reporter
3 17 to report the proceedings and the board shall fix the
3 18 reasonable amount of compensation for such service, and for
3 19 any transcript requested by the board, which ~~amount~~ amounts
3 20 shall be taxed as other costs.

3 21 Sec. 10. Section 20.13, subsections 2 and 3, Code 2007,
3 22 are amended to read as follows:

3 23 2. Within thirty days of receipt of a petition ~~or notice~~
~~3 24 to all interested parties if on its own initiative,~~ the board
3 25 shall conduct a public hearing, receive written or oral
3 26 testimony, and promptly thereafter file an order defining the
3 27 appropriate bargaining unit. In defining the unit, the board
3 28 shall take into consideration, along with other relevant
3 29 factors, the principles of efficient administration of
3 30 government, the existence of a community of interest among
3 31 public employees, the history and extent of public employee
3 32 organization, geographical location, and the recommendations
3 33 of the parties involved.

3 34 3. Appeals from such order shall be governed by ~~appeal~~
~~3 35 provisions provided in section 20.11~~ the provisions of chapter



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

4 1 17A.

4 2 Sec. 11. Section 20.14, subsection 2, paragraph a, Code
4 3 2007, is amended to read as follows:

4 4 a. The employee organization has submitted a request to a
4 5 public employer to bargain collectively ~~with~~ on behalf of a
4 6 designated group of public employees.

4 7 Sec. 12. Section 20.14, subsection 6, Code 2007, is
4 8 amended by striking the subsection.

4 9 Sec. 13. Section 20.15, subsections 1, 2, and 6, Code
4 10 2007, are amended to read as follows:

4 11 1. Upon the filing of a petition for certification of an
4 12 employee organization, the board shall submit a question to
4 13 the public employees at an election in ~~an~~ the appropriate
4 14 bargaining unit. The question on the ballot shall permit the
4 15 public employees to vote for no bargaining representation or
4 16 for any employee organization which has petitioned for
4 17 certification or which has presented proof satisfactory to the
4 18 board of support of ten percent or more of the public
4 19 employees in the appropriate unit.

4 20 2. If a majority of the votes cast on the question is for
4 21 no bargaining representation, the public employees in the
4 22 bargaining unit shall not be represented by an employee
4 23 organization. If a majority of the votes cast on the question
4 24 is for a listed employee organization, then ~~the~~ that employee
4 25 organization shall represent the public employees in ~~an~~
4 26 ~~appropriate~~ the bargaining unit.

4 27 6. A petition for certification as an exclusive bargaining
4 28 representative, or a petition for decertification of a
4 29 certified bargaining representative, shall not be considered
4 30 by the board for a period of one year from the date of the
4 31 certification or noncertification of an employee organization
4 32 as an exclusive bargaining representative ~~or~~. The board shall
4 33 also not consider a petition for decertification of an
4 34 exclusive bargaining representative during the duration of a
4 35 collective bargaining agreement which, for purposes of this



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

5 1 section, shall be deemed not to exceed two years. A
5 2 collective bargaining agreement with the state, its boards,
5 3 commissions, departments, and agencies shall be for two years
5 4 and the provisions of a collective bargaining agreement ~~except~~
~~5 5 agreements agreed to or tentatively agreed to prior to July 1,~~
~~5 6 1977, or arbitrators' arbitrator's~~ award affecting state
5 7 employees shall not provide for renegotiations which would
5 8 require the refinancing of salary and fringe benefits for the
5 9 second year of the term of the agreement, except as provided
5 10 in section 20.17, subsection 6, and the effective date of any
5 11 such agreement shall be July 1 of odd-numbered years, provided
5 12 that if an exclusive bargaining representative is certified on
5 13 a date which will prevent the negotiation of a collective
5 14 bargaining agreement prior to July 1 of odd-numbered years for
5 15 a period of two years, the certified collective bargaining
5 16 representative may negotiate a one-year contract with ~~a the~~
5 17 public employer which shall be effective from July 1 of the
5 18 even-numbered year to July 1 of the succeeding odd-numbered
5 19 year when new contracts shall become effective. However, if a
5 20 petition for decertification is filed during the duration of a
5 21 collective bargaining agreement, the board shall award an
5 22 election under this section not more than one hundred eighty
5 23 days nor less than one hundred fifty days prior to the
5 24 expiration of the collective bargaining agreement. If an
5 25 employee organization is decertified, the board may receive
5 26 petitions under section 20.14, provided that no such petition
5 27 and no election conducted pursuant to such petition within one
5 28 year from decertification shall include as a party the
5 29 decertified employee organization.
5 30 Sec. 14. Section 20.17, subsection 3, Code 2007, is
5 31 amended to read as follows:
5 32 3. Negotiating sessions, strategy meetings of public
5 33 employers ~~or employee organizations~~, mediation, and the
5 34 deliberative process of arbitrators shall be exempt from the
5 35 provisions of chapter 21. However, the employee organization



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

6 1 shall present its initial bargaining position to the public
6 2 employer at the first bargaining session. The public employer
6 3 shall present its initial bargaining position to the employee
6 4 organization at the second bargaining session, which shall be
6 5 held no later than two weeks following the first bargaining
6 6 session. Both sessions shall be open to the public and
6 7 subject to the provisions of chapter 21. Parties who by
6 8 agreement are utilizing a cooperative alternative bargaining
6 9 process may exchange their respective initial interest
6 10 statements in lieu of initial bargaining positions at these
6 11 open sessions. Hearings conducted by arbitrators shall be
6 12 open to the public.

6 13 Sec. 15. Section 20.17, subsection 6, Code 2007, is
6 14 amended to read as follows:

6 15 6. ~~No~~ A collective bargaining agreement or ~~arbitrators'~~
6 16 ~~decision~~ arbitrator's award shall not be valid or enforceable
6 17 if its implementation would be inconsistent with any statutory
6 18 limitation on the public employer's funds, spending or budget,
6 19 or would substantially impair or limit the performance of any
6 20 statutory duty by the public employer. A collective
6 21 bargaining agreement or ~~arbitrators'~~ arbitrator's award may
6 22 provide for benefits conditional upon specified funds to be
6 23 obtained by the public employer, but the agreement shall
6 24 provide either for automatic reduction of such conditional
6 25 benefits or for additional bargaining if the funds are not
6 26 obtained or if a lesser amount is obtained.

6 27 Sec. 16. Section 20.17, subsection 10, Code 2007, is
6 28 amended to read as follows:

6 29 10. The negotiation of a proposed collective bargaining
6 30 agreement by representatives of a state public employer and a
6 31 state employee organization shall be complete not later than
6 32 March 15 of the year when the agreement is to become
6 33 effective. The board shall provide, by rule, a date on which
6 34 any impasse item must be submitted to binding arbitration and
6 35 for such other procedures as deemed necessary to provide for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

7 1 the completion of negotiations of proposed state collective
7 2 bargaining agreements not later than March 15. The date
7 3 selected for the mandatory submission of impasse items to
7 4 binding arbitration shall be sufficiently in advance of March
7 5 15 to ~~insure~~ ensure that the ~~arbitrators' decision~~
7 6 arbitrator's award can be reasonably made before March 15.

7 7 Sec. 17. Section 20.17, subsection 11, Code 2007, is
7 8 amended to read as follows:

7 9 11. a. In the absence of an impasse agreement negotiated
7 10 pursuant to section 20.19 which provides for a different
7 11 completion date, public employees represented by a certified
7 12 employee organization who are teachers licensed under chapter
7 13 272 and who are employed by a public employer which is a
7 14 school district or area education agency shall complete the
7 15 negotiation of a proposed collective bargaining agreement not
7 16 later than May 31 of the year when the agreement is to become
7 17 effective. The board shall provide, by rule, a date on which
7 18 impasse items in such cases must be submitted to binding
7 19 arbitration and for such other procedures as deemed necessary
7 20 to provide for the completion of negotiations of proposed
7 21 collective bargaining agreements not later than May 31. The
7 22 date selected for the mandatory submission of impasse items to
7 23 binding arbitration in such cases shall be sufficiently in
7 24 advance of May 31 to ensure that the ~~arbitrators' decision~~
7 25 arbitrator's award can be reasonably made ~~before~~ by May 31.

7 26 b. ~~If the public employer is a community college, the~~
~~7 27 following apply:~~

7 28 ~~(1) The negotiation of a proposed collective bargaining~~
~~7 29 agreement shall be complete not later than May 31 of the year~~
~~7 30 when the agreement is to become effective, absent the~~
~~7 31 existence~~ In the absence of an impasse agreement negotiated
7 32 pursuant to section 20.19 which provides for a different
7 33 completion date, public employees represented by a certified
7 34 employee organization who are employed by a public employer
7 35 which is a community college shall complete the negotiation of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

8 1 a proposed collective bargaining agreement not later than May
8 2 31 of the year when the agreement is to become effective. The
8 3 board shall ~~adopt rules providing for~~ provide, by rule, a date
8 4 on which impasse items in such cases must be submitted to
8 5 binding arbitration and for such other procedures as deemed
8 6 necessary to provide for the completion of negotiations of
8 7 proposed collective bargaining agreements not later than May
8 8 31. The date selected for the mandatory submission of impasse
8 9 items to binding arbitration in such cases shall be
8 10 sufficiently in advance of May 31 to ensure that the
8 11 ~~arbitrators' decision~~ arbitrator's award can be reasonably
8 12 made by May 31.

8 13 ~~(2) Notwithstanding the provisions of subparagraph (1),~~
~~8 14 the May 31 deadline may be waived by mutual agreement of the~~
~~8 15 parties to the collective bargaining agreement negotiations.~~

8 16 Sec. 18. Section 20.18, unnumbered paragraph 1, Code 2007,
8 17 is amended to read as follows:

8 18 An agreement with an employee organization which is the
8 19 exclusive representative of public employees in an appropriate
8 20 unit may provide procedures for the consideration of public
8 21 employee and employee organization grievances ~~and of disputes~~
8 22 over the interpretation and application of agreements.
8 23 Negotiated procedures may provide for binding arbitration of
8 24 public employee and employee organization grievances ~~and of~~
~~8 25 disputes~~ over the interpretation and application of existing
8 26 agreements. An arbitrator's decision on a grievance may not
8 27 change or amend the terms, conditions or applications of the
8 28 collective bargaining agreement. Such procedures shall
8 29 provide for the invoking of arbitration only with the approval
8 30 of the employee organization, and in the case of an employee
8 31 grievance, only with the approval of the public employee. The
8 32 costs of arbitration shall be shared equally by the parties.

8 33 Sec. 19. Section 20.19, Code 2007, is amended by adding
8 34 the following new unnumbered paragraph:

8 35 NEW UNNUMBERED PARAGRAPH. Parties who by agreement are



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

9 1 utilizing a cooperative alternative bargaining process shall,
9 2 at the outset of such process, agree upon a method and
9 3 schedule for the completion of impasse procedures should they
9 4 fail to reach a collective bargaining agreement through the
9 5 use of such alternative process.
9 6 Sec. 20. Section 20.21, unnumbered paragraphs 1 and 2,
9 7 Code 2007, are amended to read as follows:
9 8 If the impasse persists ten days after the mediator has
9 9 been appointed, the board shall appoint a fact-finder
9 10 representative of the public, from a list of qualified persons
9 11 maintained by the board. The fact-finder shall conduct a
9 12 hearing, may administer oaths, and may ~~request the board to~~
9 13 issue subpoenas to compel the attendance of witnesses and the
9 14 production of records. The fact-finder may petition the
9 15 district court at the seat of government or of the county in
9 16 which the hearing is held to enforce the subpoena. The fact=
9 17 finder shall make written findings of facts and
9 18 recommendations for resolution of ~~the dispute~~ each impasse
9 19 item and, not later than fifteen days from the ~~day of~~
9 20 ~~appointment~~ date of the hearing, shall serve such findings and
9 21 recommendations on the public employer and the certified
9 22 employee organization.
9 23 The Upon receipt of the fact-finder's findings and
9 24 recommendations, the public employer and the certified
9 25 employee organization shall immediately accept the fact=
9 26 finder's ~~recommendation~~ recommendations in their entirety or
9 27 shall within five days submit the fact-finder's
9 28 recommendations to the governing body of the public employer
9 29 and members of the certified employee organization for such
9 30 acceptance or rejection. If the dispute is not resolved by
9 31 both parties' acceptance of the fact-finder's recommendations,
9 32 the parties may continue to negotiate and resolve any disputed
9 33 impasse items. If the dispute continues ten days after the
9 34 ~~report is submitted~~ fact-finder's findings and recommendations
9 35 are served, the ~~report~~ findings and recommendations shall be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

10 1 made available to the public by the board.
10 2 Sec. 21. Section 20.22, subsections 1, 2, and 3, Code
10 3 2007, are amended to read as follows:
10 4 1. If an impasse persists after the fact=finder's findings
10 5 of fact and recommendations are made available to the public
10 6 by the ~~fact=finder~~ board, the parties may continue to
10 7 negotiate or, the board shall have the power, upon request of
10 8 either party, to arrange for arbitration, which shall be
10 9 binding. The request for arbitration shall be in writing and
10 10 a copy of the request shall be served upon the other party.
10 11 2. Each party shall ~~submit to the board~~ serve its final
10 12 offer on each of the impasse items upon the other party within
10 13 four days of the board's receipt of the request a final offer
~~10 14 on the impasse items with proof of service of a copy upon the~~
~~10 15 other party for arbitration. Each party shall also submit a~~
~~10 16 copy of a draft of the proposed collective bargaining~~
~~10 17 agreement to the extent to which agreement has been reached~~
~~10 18 and the name of its selected arbitrator.~~ The parties may
10 19 continue to negotiate all offers until an agreement is reached
10 20 or ~~a decision~~ an award is rendered by the ~~panel of arbitrators~~
10 21 arbitrator.
10 22 As an alternative procedure, the two parties may agree to
~~10 23 submit the dispute to a single arbitrator. If the parties~~
~~10 24 cannot agree on the arbitrator within four days, the selection~~
~~10 25 shall be made pursuant to subsection 5.~~ The full costs of
10 26 arbitration under this ~~provision~~ section shall be shared
10 27 equally by the parties to the dispute.
10 28 3. The submission of the impasse items to the ~~arbitrators~~
10 29 arbitrator shall be limited to those issues that had been
10 30 considered by the fact=finder and upon which the parties have
10 31 not reached agreement. With respect to each such item, the
10 32 ~~arbitration board~~ arbitrator's award shall be restricted to
10 33 the final offers on each impasse item submitted by the parties
10 34 to the ~~arbitration board~~ arbitrator or to the recommendation
10 35 of the fact=finder on each impasse item.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

11 1 Sec. 22. Section 20.22, subsection 4, Code 2007, is
11 2 amended by striking the subsection and inserting in lieu
11 3 thereof the following:

11 4 4. Upon the filing of the request for arbitration, a list
11 5 of five arbitrators shall be served upon the parties by the
11 6 board. Within five days of service of the list, the parties
11 7 shall determine by lot which party shall remove the first name
11 8 from the list and the parties shall then alternately remove
11 9 names from the list until the name of one person remains, who
11 10 shall become the arbitrator. The parties shall immediately
11 11 notify the board of their selection and the board shall notify
11 12 the arbitrator. After consultation with the parties, the
11 13 arbitrator shall set a time and place for an arbitration
11 14 hearing.

11 15 Sec. 23. Section 20.22, subsections 5 and 6, Code 2007,
11 16 are amended by striking the subsections.

11 17 Sec. 24. Section 20.22, subsections 7 and 8, Code 2007,
11 18 are amended to read as follows:

11 19 7. The ~~panel of arbitrators~~ arbitrator shall at no time
11 20 engage in an effort to mediate or otherwise settle the dispute
11 21 in any manner other than that prescribed in this section.

11 22 8. From the time of ~~appointment~~ the board notifies the
11 23 arbitrator of the selection of the arbitrator until such time
11 24 as the ~~panel of arbitrators~~ makes its final determination
11 25 arbitrator's selection on each impasse item is made, there
11 26 shall be no discussion concerning recommendations for
11 27 settlement of the dispute by the ~~members of the panel of~~
11 28 ~~arbitrators~~ arbitrator with parties other than those who are
11 29 direct parties to the dispute. The ~~panel of arbitrators~~ may
11 30 conduct formal or informal hearings to discuss offers
11 31 submitted by both parties.

11 32 Sec. 25. Section 20.22, subsection 9, unnumbered paragraph
11 33 1, Code 2007, is amended to read as follows:

11 34 The ~~panel of arbitrators~~ arbitrator shall consider, in
11 35 addition to any other relevant factors, the following factors:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

12 1 Sec. 26. Section 20.22, subsections 10, 11, 12, and 13,
12 2 Code 2007, are amended to read as follows:

12 3 10. The ~~chairperson of the panel of arbitrators~~ arbitrator
12 4 may ~~hold hearings and~~ administer oaths, examine witnesses and
12 5 documents, take testimony and receive evidence, and issue
12 6 subpoenas to compel the attendance of witnesses and the
12 7 production of records, ~~and delegate such powers to other~~
~~12 8 members of the panel of arbitrators.~~ The ~~chairperson of the~~
~~12 9 panel of arbitrators~~ arbitrator may petition the district
12 10 court at the seat of government or of the county in which ~~any~~
12 11 the hearing is held to enforce the order of the ~~chairperson~~
12 12 arbitrator compelling the attendance of witnesses and the
12 13 production of records.

12 14 11. A ~~majority of the panel of arbitrators~~ The arbitrator
12 15 shall select within fifteen days after ~~its first meeting~~ the
12 16 hearing the most reasonable offer, in ~~its~~ the arbitrator's
12 17 judgment, of the final offers on each impasse item submitted
12 18 by the parties, or the recommendations of the fact-finder on
12 19 each impasse item.

12 20 12. The selections by the ~~panel of arbitrators~~ arbitrator
12 21 and items agreed upon by the public employer and the employee
12 22 organization, shall be deemed to be the collective bargaining
12 23 agreement between the parties.

12 24 13. The determination of the ~~panel of arbitrators~~ shall be
~~12 25 by majority vote and~~ arbitrator shall be final and binding
12 26 subject to the provisions of section 20.17, subsection 6. The
12 27 ~~panel of arbitrators~~ arbitrator shall give written explanation
12 28 for ~~its selection~~ the arbitrator's selections and inform the
12 29 parties of ~~its~~ the decision.

12 30 Sec. 27. Section 20.24, Code 2007, is amended to read as
12 31 follows:

12 32 20.24 NOTICE AND SERVICE.

12 33 Any notice required under the provisions of this chapter
12 34 shall be in writing, but service thereof shall be sufficient
12 35 if mailed by restricted certified mail, return receipt



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

13 1 requested, addressed to the last known address of the ~~parties~~
13 2 intended recipient, unless otherwise provided in this chapter.
13 3 Refusal of restricted certified mail by any party shall be
13 4 considered service. ~~Prescribed~~ Unless otherwise provided in
13 5 this chapter, prescribed time periods shall commence from the
13 6 date of the receipt of the notice. Any party may at any time
13 7 execute and deliver an acceptance of service in lieu of mailed
13 8 notice.

13 9 Sec. 28. Section 20.30, Code 2007, is repealed.

13 10 EXPLANATION

13 11 This bill makes changes to Code chapter 20 governing public
13 12 employee collective bargaining.

13 13 Code section 20.1, subsection 7, is amended to provide that
13 14 one of the powers and duties of the public employment
13 15 relations board (PERB) is to represent the board in court.

13 16 Code section 20.6 is amended to provide that PERB shall
13 17 establish the qualifications and procedures for appointing
13 18 fact-finders in the same manner as for arbitrators and
13 19 mediators.

13 20 Code section 20.10, subsection 4, is amended to
13 21 specifically provide that oral expression of views without
13 22 threat of reprisal or force shall not constitute or be
13 23 evidence of a prohibited practice.

13 24 Code section 20.11 is amended to allow a presiding officer
13 25 in a prohibited practice hearing to hear the case through the
13 26 use of technology from a location other than the county where
13 27 the alleged violation occurred. The bill also allows PERB to
13 28 designate one of its members or any other qualified person to
13 29 preside at a prohibited practice hearing.

13 30 The bill amends Code sections 20.11, 20.13, and 20.14 to
13 31 provide that Code chapter 17A, the Iowa administrative
13 32 procedure Act, governs hearing and appeal proceedings
13 33 described in those sections.

13 34 Code section 20.15, concerning certification elections for
13 35 exclusive bargaining representation, is amended to require



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

House Study Bill 718 continued

14 1 that the current time limits for filing a petition for
14 2 certification of an exclusive bargaining representative also
14 3 apply to petitions for decertification of a certified
14 4 bargaining representative.
14 5 Code section 20.17, subsection 3, concerning bargaining
14 6 procedures, is amended to provide that parties utilizing a
14 7 cooperative alternative bargaining process may exchange their
14 8 initial interest statements in lieu of an initial bargaining
14 9 position during bargaining.
14 10 Code section 20.17, subsection 11, concerning the deadlines
14 11 for community college employee bargaining, is amended to match
14 12 the provisions of the subsection applicable to other
14 13 educational bargaining units.
14 14 Code section 20.18, concerning grievance procedures, is
14 15 amended to provide that an agreement with an employee
14 16 organization may include procedures for the consideration of
14 17 employee organization grievances in addition to public
14 18 employee grievances.
14 19 Code section 20.19, concerning impasse procedures, is
14 20 amended to require that parties using a cooperative
14 21 alternative bargaining process establish impasse procedures at
14 22 the outset of the process.
14 23 Code section 20.21, concerning fact-finding procedures, is
14 24 amended to require that the fact-finder make recommendations
14 25 on each impasse item between the parties and that the parties
14 26 accept or reject the fact-finder's recommendations in their
14 27 entirety.
14 28 Code section 20.22, concerning binding arbitration, is
14 29 amended to provide that arbitration will be conducted by a
14 30 single arbitrator and not a panel of arbitrators. The bill
14 31 also provides for the method of selecting the arbitrator. The
14 32 bill provides that PERB will submit a list of five arbitrators
14 33 to the parties upon the filing of a request for arbitration
14 34 and then each party, in an order determined by lot, shall
14 35 alternatively remove names from the list until one name



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

House Study Bill 718 continued

- 15 1 remains.
- 15 2 LSB 5461XD 82
- 15 3 ec/rj/24.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Amendment 5009

PAG LIN

1 1 Amend Senate File 2137 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause, and inserting the following:
1 4 <Section 1. Section 214A.1, subsection 9, Code
1 5 2007, is amended to read as follows:
1 6 9. "E=85 gasoline" means ethanol blended gasoline
1 7 formulated with a ~~minimum~~ percentage of between
1 8 seventy and eighty-five percent by volume of ethanol,
1 9 if the formulation meets the standards provided in
1 10 section 214A.2.
1 11 Sec. 2. Section 214A.1, Code 2007, is amended by
1 12 adding the following new subsection:
1 13 NEW SUBSECTION. 21A. "Unleaded gasoline" means
1 14 gasoline, including ethanol blended gasoline, if all
1 15 of the following applies:
1 16 a. It has an octane number of not less than
1 17 eighty-seven as provided in section 214A.2.
1 18 b. Lead or phosphorus compounds have not been
1 19 intentionally added to it.
1 20 c. It does not contain more than thirteen
1 21 thousandths grams of lead per liter and not more than
1 22 thirteen ten-thousandths grams of phosphorus per
1 23 liter.
1 24 Sec. 3. Section 214A.2, subsection 3, paragraph b,
1 25 Code 2007, is amended to read as follows:
1 26 b. If the motor fuel is advertised for sale or
1 27 sold as ethanol blended gasoline, the motor fuel must
1 28 comply with departmental standards which shall ~~comply~~
~~1 29 with specifications for ethanol blended gasoline~~
~~1 30 adopted by A.S.T.M. international. For ethanol~~
~~1 31 blended gasoline meet~~ all of the following ~~shall apply~~
1 32 requirements:
1 33 (1) Ethanol must be an agriculturally derived
1 34 ethyl alcohol that meets A.S.T.M. international
1 35 specification D4806 for denatured fuel ethanol for
1 36 blending with gasoline for use as automotive
1 37 spark-ignition engine fuel, or a successor A.S.T.M.
1 38 international specification, as established by rules
1 39 adopted by the department.
1 40 (2) Gasoline blended with ethanol must meet any of
1 41 the following requirements:
1 42 (a) For the gasoline, A.S.T.M. international
1 43 specification D4814.
1 44 (b) For the ethanol blended gasoline, A.S.T.M.
1 45 international specification D4814.
1 46 (c) For gasoline, A.S.T.M. international
1 47 specification D4814 except for distillation, if the
1 48 ethanol blended gasoline meets the requirements of
1 49 A.S.T.M. international specification D4814.
1 50 (3) For ethanol blended gasoline other than E=85



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Amendment 5009 continued

2 1 gasoline, at least ten percent of the gasoline by
2 2 volume must be ethanol.
2 3 ~~(3)~~ (4) E=85 gasoline must be an agriculturally
2 4 derived ethyl alcohol that meets A.S.T.M.
2 5 international specification D5798, described as a fuel
2 6 blend for use in ground vehicles with automotive
2 7 spark=ignition engines, or a successor A.S.T.M.
2 8 international specification, as established by rules
2 9 adopted by the department.
2 10 Sec. 4. Section 214A.3, subsection 2, paragraph b,
2 11 subparagraph (1), Code 2007, is amended to read as
2 12 follows:
2 13 (1) Ethanol blended gasoline sold by a dealer
2 14 shall be designated E=xx where "xx" is the volume
2 15 percent of ethanol in the ethanol blended gasoline.
2 16 However, a person advertising E=10 gasoline may only
2 17 designate it as ethanol blended gasoline. A person
2 18 advertising ethanol blended gasoline formulated with a
2 19 percentage of between seventy and eighty=five percent
2 20 by volume of ethanol shall designate it as E=85. A
2 21 person shall not knowingly falsely advertise ethanol
2 22 blended gasoline by using an inaccurate designation in
2 23 violation of this subparagraph.>
2 24
2 25
2 26
2 27 JOHN P. KIBBIE
2 28 SF 2137.203 82
2 29 da/rj/20257



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2213 - Introduced

SENATE FILE
BY BLACK and OLIVE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

- 1 An Act providing for the stockpiling of dry manure from a
- 2 confinement feeding operation and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6099XS 82
- 5 da/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2213 - Introduced continued

PAG LIN

1 1 Section 1. Section 459.102, Code 2007, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 20A. "Designated area" means a known
1 4 sinkhole, a cistern, an abandoned well, an unplugged
1 5 agricultural drainage well, an agricultural drainage well
1 6 surface inlet, a drinking water well, a designated wetland, or
1 7 a water source. However, "designated area" does not include a
1 8 terrace tile inlet or a surface tile inlet other than an
1 9 agricultural drainage well surface tile inlet.
1 10 NEW SUBSECTION. 23A. "Dry manure" means manure which
1 11 meets all of the following conditions:
1 12 a. The manure does not flow perceptibly under pressure.
1 13 b. The manure is not capable of being transported through
1 14 a mechanical pumping device designed to move a liquid.
1 15 c. The constituent molecules of the manure do not flow
1 16 freely among themselves but may show a tendency to separate
1 17 under stress.
1 18 NEW SUBSECTION. 45A. "Stockpile" means to store dry
1 19 manure from a confinement feeding operation outside of a
1 20 confinement feeding operation structure.
1 21 Sec. 2. Section 459.206, subsection 2, paragraph b, Code
1 22 2007, is amended to read as follows:
1 23 b. A qualified confinement feeding operation that stores
1 24 ~~dry manure on a dry matter basis.~~
1 25 Sec. 3. Section 459.307, subsection 1, paragraph b, Code
1 26 2007, is amended to read as follows:
1 27 b. Whether the manure storage structure stores only dry
1 28 ~~manure in an exclusively dry form.~~
1 29 Sec. 4. NEW SECTION. 459.311A DRY MANURE STOCKPILING.
1 30 A person may stockpile dry manure, subject to all of the
1 31 following restrictions:
1 32 1. a. The person shall not stockpile dry manure within
1 33 the following distances unless the dry manure is maintained in
1 34 a manner that will not allow precipitation-induced runoff to
1 35 drain from the dry manure to the designated area:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2213 - Introduced continued

2 1 (1) Four hundred feet from a designated area other than a
2 2 high-quality water resource.

2 3 (2) Eight hundred feet from a high-quality water resource.

2 4 b. The person shall not stockpile dry manure within two
2 5 hundred feet from a terrace tile inlet or surface tile inlet
2 6 unless the dry manure is maintained in a manner that will not
2 7 allow precipitation-induced runoff to drain from the dry
2 8 manure to the terrace tile inlet or surface tile inlet. A
2 9 terrace tile inlet or surface tile inlet does not include a
2 10 tile inlet that is not directly connected to a tile line that
2 11 discharges directly into a water of the state.

2 12 c. The person shall not stockpile dry manure in a grassed
2 13 waterway.

2 14 d. The person shall not stockpile dry manure on land
2 15 having a slope of more than three percent unless methods,
2 16 structures, or practices are implemented to contain the
2 17 stockpiled dry manure, including but not limited to using silt
2 18 fences, temporary earthen berms, or other effective measures,
2 19 and to prevent or diminish precipitation-induced runoff from
2 20 the stockpiled dry manure.

2 21 2. The person must remove the stockpiled manure and apply
2 22 it in accordance with the provisions of this chapter,
2 23 including but not limited to section 459.311, within six
2 24 months after the manure is stockpiled.

2 25 Sec. 5. Section 459.314, unnumbered paragraph 1, Code
2 26 2007, is amended by striking the paragraph.

2 27 EXPLANATION

2 28 BACKGROUND. This bill amends Code chapter 459, the "Animal
2 29 Agriculture Compliance Act", regulated by the department of
2 30 natural resources. The bill provides for storing dry manure
2 31 from a confinement feeding operation outside a confinement
2 32 feeding operation structure (i.e., a confinement building or
2 33 manure storage structure), a practice referred to as
2 34 "stockpiling". Code chapter 459 does not specifically address
2 35 stockpiling. For stockpiling manure solids from an open



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2213 - Introduced continued

3 1 feedlot, see Code section 459A.403.
3 2 BILL'S PROVISIONS. The bill defines dry manure as manure
3 3 which does not flow perceptibly under pressure, is not capable
3 4 of being transported through a mechanical pumping device
3 5 designed to move a liquid, and its constituent molecules do
3 6 not flow freely among themselves but may show a tendency to
3 7 separate under stress. The bill specifically allows for
3 8 stockpiling dry manure, subject to certain limitations.
3 9 A person is prohibited from stockpiling dry manure within
3 10 certain distances from certain areas involving surface water
3 11 or groundwater, including the following:
3 12 1. A designated area. The definition of designated area
3 13 is taken from current law (Code section 459.314) and includes
3 14 a known sinkhole, a cistern, an abandoned well, an unplugged
3 15 agricultural drainage well, an agricultural drainage well
3 16 surface inlet, a drinking water well, a designated wetland, or
3 17 a water source. It does not include a terrace tile inlet.
3 18 The bill provides that a designated area also does not include
3 19 a surface tile inlet, other than an agricultural drainage well
3 20 surface tile inlet, which is consistent with Code chapter 459A
3 21 governing open feedlot operations.
3 22 2. A high-quality water resource as provided by rules
3 23 adopted by the department.
3 24 3. A terrace tile inlet or surface tile inlet unless the
3 25 dry manure is maintained in a manner that will not allow
3 26 precipitation-induced runoff to drain from the dry manure to
3 27 the terrace tile inlet or surface tile inlet.
3 28 In addition, a person cannot stockpile dry manure in a
3 29 grassed waterway or on a slope of more than 3 percent unless
3 30 means are provided to contain the stockpiled dry manure.
3 31 A person must remove the stockpiled manure and apply it in
3 32 accordance with the provisions of Code chapter 459, including
3 33 but not limited to Code section 459.311, within six months
3 34 after the manure is stockpiled.
3 35 PENALTIES APPLICABLE. A person who violates a provision of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2213 - Introduced continued

4 1 the bill is subject to a civil penalty assessed by the
4 2 department under Code section 455B.109 or by the attorney
4 3 general pursuant to Code section 455B.191 (\$5,000 per
4 4 violation with each day an offense continues considered a
4 5 separate offense). The civil penalties are deposited in the
4 6 animal agriculture compliance fund created in Code section
4 7 459.401.
4 8 LSB 6099XS 82
4 9 da/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2214 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2072)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to modification of a child custody order during
- 2 the time a parent is serving active duty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5079SV 82
- 5 pf/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2214 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 598.41C MODIFICATION OF CHILD
1 2 CUSTODY == ACTIVE DUTY.
1 3 1. If an application for modification of a decree or a
1 4 petition for modification of an order regarding child custody
1 5 is filed during the time a parent is serving active duty in
1 6 the military service of the United States, the court may only
1 7 enter an order temporarily modifying the existing child
1 8 custody order if there is clear and convincing evidence that
1 9 the modification is in the best interest of the child. Upon
1 10 the parent's completion of active duty, the court shall
1 11 reinstate the custody order that was in effect immediately
1 12 preceding the period of active duty. If an application for
1 13 modification of a decree or a petition for modification of an
1 14 order is filed after a parent completes active duty, the
1 15 parent's absence due to active duty does not constitute a
1 16 substantial change in circumstances, and the court shall not
1 17 consider a parent's absence due to that active duty in making
1 18 a determination regarding the best interest of the child.
1 19 2. As used in this section, "active duty" means active
1 20 military duty pursuant to orders issued under Title 10 of the
1 21 United States Code. However, this section shall not apply to
1 22 active guard and reserve duty or similar full-time military
1 23 duty performed by a parent when the child remains in actual
1 24 custody of the parent.

1 25 EXPLANATION

1 26 This bill relates to modification of a child custody order
1 27 under circumstances in which a parent is serving active duty
1 28 in the military service of the United States. The bill
1 29 provides that if an application for modification of a decree
1 30 or a petition for modification of an order regarding child
1 31 custody is filed during the time a parent is serving active
1 32 duty in the military service of the United States, the court
1 33 may only enter an order temporarily modifying the existing
1 34 child custody order if there is clear and convincing evidence
1 35 that the modification is in the best interest of the child.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2214 - Introduced continued

2 1 Once the parent returns from active duty, the court is
2 2 directed to reinstate the custody order that was in effect
2 3 immediately preceding the period of active duty.
2 4 Additionally, if an application for modification of child
2 5 custody is filed after a parent returns from active duty, the
2 6 bill provides that the parent's absence due to the active duty
2 7 does not constitute a substantial change in circumstances and
2 8 the court shall not consider a parent's absence due to that
2 9 active duty in the determination of the best interest of the
2 10 child. The bill also provides a definition of "active duty".
2 11 LSB 5079SV 82
2 12 pf/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2215 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2022)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____
Approved

Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a tool and die lien Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 5741SV 82
- 4 rh/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2215 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 572A.1 SHORT TITLE.
1 2 This chapter shall be known and may be cited as the "Tool
1 3 and Die Lien Act".
1 4 Sec. 2. NEW SECTION. 572A.2 DEFINITIONS.
1 5 For the purposes of this chapter, the following definitions
1 6 shall have the following meanings:
1 7 1. "Customer" means any person or entity who contracted
1 8 with or caused a plastic or metal processor to use a tool,
1 9 die, mold, jig, fixture, form, or pattern to manufacture,
1 10 assemble, or otherwise make plastic or metal components or
1 11 products.
1 12 2. "Processor" means any person or entity including but
1 13 not limited to a tool or die maker, who uses a tool, die,
1 14 mold, jig, fixture, form, or pattern to manufacture, assemble,
1 15 or otherwise make a plastic or metal product or products for a
1 16 customer, pursuant to a contract or otherwise.
1 17 3. "Special tool" means a tool, die, mold, jig, fixture,
1 18 form, pattern, or part used to manufacture, assemble, or
1 19 otherwise make plastic or metal components or products.
1 20 4. "Toolmaker" means a person including but not limited to
1 21 a mold builder, model maker, patternmaker, molder, die maker,
1 22 metal former, jig and fixture builder, die sinker, die caster,
1 23 mold designer, mold programmer, die designer, die programmer,
1 24 and mold or die engineer who fabricates, cuts, casts, forms,
1 25 or designs molds for the plastic industry or dies for the
1 26 metal forming industry.
1 27 Sec. 3. NEW SECTION. 572A.3 LIEN.
1 28 1. A processor shall have a lien on the tools, dies,
1 29 molds, jigs, fixtures, forms, or patterns in the processor's
1 30 possession belonging to a customer, for the balance due the
1 31 processor or person from such customer for plastic or metal
1 32 processing work, subject only to a security interest properly
1 33 perfected pursuant to article 9 of the uniform commercial code
1 34 as provided in chapter 554.
1 35 2. A toolmaker has a lien on all special tools produced by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2215 - Introduced continued

2 1 the toolmaker for the balance due for production of the
2 2 special tool, subject only to a security interest properly
2 3 perfected pursuant to article 9 of the uniform commercial code
2 4 as provided in chapter 554.

2 5 3. For the purposes of subsection 2, all of the following
2 6 shall apply:

2 7 a. The lien attaches when the special tool is delivered
2 8 from the toolmaker to the customer.

2 9 b. The amount of the lien is the amount that a customer or
2 10 processor owes the toolmaker for the fabrication, repair, or
2 11 modification of the special tool.

2 12 c. The toolmaker retains the lien even if the toolmaker is
2 13 not in possession of the special tool for which the lien is
2 14 claimed.

2 15 Sec. 4. NEW SECTION. 572A.4 NOTICE.

2 16 1. Before enforcing a lien as provided for in section
2 17 572A.3, subsection 1, an initial notice in writing shall be
2 18 given to the customer, either delivered personally or sent by
2 19 registered mail to the last known address of the customer.

2 20 The notice shall state that a lien is claimed in the amount
2 21 set forth in or in an attachment to the notice for processing
2 22 work contracted or performed for the customer. The notice
2 23 shall also include a demand for payment.

2 24 2. Before enforcing a lien as provided in section 572A.3,
2 25 subsection 2, an initial notice in writing shall be given to
2 26 the customer and processor, either delivered personally or
2 27 sent by registered mail to the last known address of the
2 28 customer and the processor. The notice shall state that a
2 29 lien is claimed in the amount set forth in or in an attachment
2 30 to the notice for the fabrication, repair, or modification of
2 31 the special tool. The notice shall also include a demand for
2 32 payment.

2 33 Sec. 5. NEW SECTION. 572A.5 SALE OF SPECIAL TOOL ==
2 34 PROCESSOR.

2 35 If a processor has not been paid the amount due within



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2215 - Introduced continued

3 1 ninety days after the initial written notice has been received
3 2 by the customer as provided in section 572A.4, subsection 1,
3 3 the processor may sell the special tool at a public auction if
3 4 both of the following occur:

3 5 1. The special tool is still in the processor's
3 6 possession.

3 7 2. The processor complies with section 572A.7.

3 8 Sec. 6. NEW SECTION. 572A.6 POSSESSION OF SPECIAL TOOL
3 9 == TOOLMAKER.

3 10 1. If a toolmaker has not been paid the amount due within
3 11 ninety days after the initial notice is received by the
3 12 customer and by the processor, the toolmaker has a right to
3 13 possession of the special tool and may do any of the
3 14 following:

3 15 a. Enforce the right to possession of the special tool by
3 16 judgment, foreclosure, or any available judicial procedure.

3 17 b. Commence a civil action in district court to enforce
3 18 the lien, including by obtaining a judgment for the amount
3 19 owed and a judgment permitting the special tool to be sold at
3 20 an execution sale.

3 21 c. Take possession of the special tool, if possession
3 22 without judicial process can be taken without breach of the
3 23 peace.

3 24 d. Sell the special tool in a public auction if the
3 25 toolmaker complies with section 572A.8.

3 26 2. A toolmaker that suffers damages under this chapter may
3 27 obtain appropriate legal and equitable relief, including
3 28 damages, in a civil action. The court shall award a toolmaker
3 29 that is the prevailing party reasonable attorney fees, court
3 30 costs, and expenses related to enforcement of the lien.

3 31 Sec. 7. NEW SECTION. 572A.7 SECOND NOTICE == PUBLICATION
3 32 == SALE BY PROCESSOR.

3 33 1. Before a processor sells the special tool, the
3 34 processor shall provide a second written notice to the
3 35 customer, by registered mail, return receipt requested. The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2215 - Introduced continued

4 1 second notice shall include all of the following information:
4 2 a. The processor's intention to sell the special tool.
4 3 b. A description of the special tool to be sold.
4 4 c. The time and place of the sale.
4 5 d. An itemized statement for the amount due.

4 6 2. In addition to the notice by mail provided pursuant to
4 7 subsection 1, the processor shall publish in a newspaper of
4 8 general circulation in the location where the special tool is
4 9 being held for sale by the processor, notice of the
4 10 processor's intention to sell the special tool. The notice
4 11 shall include a description of the special tool and name of
4 12 the customer.

4 13 Sec. 8. NEW SECTION. 572A.8 SECOND NOTICE == PUBLICATION
4 14 == SALE BY TOOLMAKER.

4 15 1. Before a toolmaker may sell the special tool, the
4 16 toolmaker shall provide a second written notice to the
4 17 customer and processor, by registered mail, return receipt
4 18 requested. The second notice shall include all of the
4 19 following information:

4 20 a. The toolmaker's intention to sell the special tool.
4 21 b. A description of the special tool to be sold.
4 22 c. The time and place of the sale.
4 23 d. An itemized statement for the amount due.

4 24 2. In addition to the notice by mail provided pursuant to
4 25 subsection 1, the toolmaker shall publish in a newspaper of
4 26 general circulation in the location where the special tool is
4 27 being held for sale by the toolmaker, notice of the
4 28 toolmaker's intention to sell the special tool. The notice
4 29 shall include a description of the special tool and name of
4 30 the customer and processor.

4 31 Sec. 9. NEW SECTION. 572A.9 INSPECTION == SALE FOR
4 32 AMOUNT EXCEEDING LIEN == FEDERAL PREEMPTION.

4 33 1. Prior to the sale of any special tool in accordance
4 34 with this chapter, such item must be available for inspection,
4 35 upon request, by members of the public during normal business



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2215 - Introduced continued

5 1 hours for a period of at least two weeks prior to the sale.
5 2 2. If the sale is for a sum greater than the amount of the
5 3 lien, the excess shall be paid to any prior lienholder and any
5 4 remainder to the customer and the processor.
5 5 3. A sale shall not be made or a possession shall not be
5 6 obtained under this chapter if it would be in violation of any
5 7 right of a customer or a processor under federal patent,
5 8 bankruptcy, or copyright law.

5 9 EXPLANATION

5 10 This bill creates the tool and die lien Act.

5 11 The bill creates a lien for a plastic or metal processor on
5 12 the tools, dies, molds, jigs, fixtures, forms, or patterns in
5 13 the plastic or metal processor's possession belonging to a
5 14 customer for the balance due from such customer for plastic or
5 15 metal processing work. The bill also creates a lien for a
5 16 toolmaker on all special tools produced by the toolmaker for
5 17 the balance due for production of the special tool. The bill
5 18 provides that a toolmaker must deliver the special tool to the
5 19 customer to create the lien.

5 20 The bill provides that prior to enforcing a lien under the
5 21 bill, the processor shall give an initial notice to the
5 22 customer. Such notice shall be delivered either personally or
5 23 by registered mail and shall state the amount owed and include
5 24 a demand for payment. The bill provides that if the processor
5 25 has not been paid within 90 days after receipt of the initial
5 26 notice, the processor may sell the special tool at a public
5 27 auction if the processor is in possession of the tool, has
5 28 sent a second notice to the customer informing the customer of
5 29 the sale, has published notice of the sale in a newspaper, and
5 30 has made the special tool available for public inspection.

5 31 The bill provides that prior to enforcing a lien under the
5 32 bill, a toolmaker shall give an initial notice to the
5 33 customer. Such notice shall be delivered either personally or
5 34 by registered mail and shall state the amount owed and include
5 35 a demand for payment. The bill provides that if a toolmaker



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2215 - Introduced continued

6 1 has not been paid within 90 days after receipt of the initial
6 2 notice, the toolmaker may enforce the right to possession of
6 3 the special tool through court action, take possession of the
6 4 special tool, or sell the special tool at a public auction if
6 5 the processor is in possession of the tool, has sent a second
6 6 notice to the customer informing the customer of the sale, has
6 7 published notice of the sale in a newspaper, and has made the
6 8 special tool available for public inspection. The bill also
6 9 provides that a toolmaker who suffers damages under the bill
6 10 may obtain appropriate legal and equitable relief, including
6 11 damages and reasonable attorney fees and court costs.

6 12 A "processor" is defined as a person or entity including
6 13 but not limited to a tool or die maker, who uses a tool, die,
6 14 mold, jig, fixture, form, or pattern to manufacture, assemble,
6 15 or otherwise make a plastic or metal product or products for a
6 16 customer, pursuant to a contract or otherwise. A "toolmaker"
6 17 is defined as a person including but not limited to a mold
6 18 builder, model maker, patternmaker, molder, die maker, metal
6 19 former, jig and fixture builder, die sinker, die caster, mold
6 20 designer, mold programmer, die designer, die programmer, and
6 21 mold or die engineer who fabricates, cuts, casts, forms, or
6 22 designs molds for the plastic industry or dies for the metal
6 23 forming industry. A "special tool" is defined as a tool, die,
6 24 mold, jig, fixture, form, pattern, or part used to
6 25 manufacture, assemble, or otherwise make plastic or metal
6 26 components or products.

6 27 LSB 5741SV 82

6 28 rh/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2216 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3097)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

1 An Act concerning state and local measures for preparing a
2 student for a career or for postsecondary education, including
3 a statewide core curriculum for school districts and
4 accredited nonpublic schools and a state-designated career
5 information and decision-making system.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 6127SV 82
8 kh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2216 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, subsections 26 and 28, Code
1 2 Supplement 2007, are amended to read as follows:
1 3 26. a. Adopt rules that establish a ~~voluntary model~~ core
1 4 curriculum and requiring, beginning with the students in the
1 5 2010==2011 school year graduating class, high school
1 6 graduation requirements for all students in school districts
1 7 and accredited nonpublic schools that include at a minimum
1 8 satisfactory completion of four years of English and language
1 9 arts, three years of mathematics, three years of science, and
1 10 three years of social studies. The ~~voluntary model~~ core
1 11 curriculum adopted shall address the core content standards in
1 12 subsection 28 and the skills and knowledge students need to be
1 13 successful in the twenty=first century. The ~~voluntary model~~
1 14 core curriculum shall include social studies and twenty=first
1 15 century learning skills which include but are not limited to
1 16 civic literacy, health literacy, technology literacy,
1 17 financial literacy, and employability skills; and shall
1 18 address the curricular needs of students in kindergarten
1 19 through grade twelve in those areas. For purposes of this
1 20 subsection, "financial literacy" shall include but not be
1 21 limited to financial responsibility and planning skills; money
1 22 management skills, including setting financial goals, creating
1 23 spending plans, and using financial instruments; applying
1 24 decision=making skills to analyze debt incurrence and debt
1 25 management; understanding risk management, including the
1 26 features and functions of insurance; and understanding saving
1 27 and investing as applied to long=term financial security and
1 28 asset building. School districts and accredited nonpublic
1 29 schools shall adopt the core curriculum developed for grades
1 30 nine through twelve pursuant to this subsection prior to the
1 31 school year beginning July 1, 2010. The state board shall
1 32 adopt rules establishing a core curriculum for kindergarten
1 33 through grade eight, and school districts and accredited
1 34 nonpublic schools shall adopt the core curriculum established
1 35 by the state board prior to the 2014=2015 school year.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2216 - Introduced continued

2 1 ~~b. The state board shall continue~~ Continue the inclusive
2 2 process begun during the initial development of a ~~voluntary~~
~~2 3 model~~ core curriculum for grades nine through twelve including
2 4 stakeholder involvement, including but not limited to
2 5 representatives from the private sector and the business
2 6 community, and alignment of the ~~voluntary model~~ core
2 7 curriculum to other recognized sets of national and
2 8 international standards. The state board shall also recommend
2 9 quality assessments to school districts and accredited
2 10 nonpublic schools to measure the ~~voluntary model~~ core
2 11 curriculum.

2 12 The state board shall not require school districts or
2 13 accredited nonpublic schools to adopt a specific textbook or
2 14 textbook series to meet the core curriculum requirements of
2 15 this subsection or the core content standards adopted pursuant
2 16 to subsection 28.

2 17 28. Adopt a set of core content standards applicable to
2 18 all students in kindergarten through grade twelve in every
2 19 school district and accredited nonpublic school. For purposes
2 20 of this subsection, "core content standards" includes reading,
2 21 mathematics, and science. The core content standards shall be
2 22 identical to the core content standards included in Iowa's
2 23 approved 2006 standards and assessment system under Title I of
2 24 the federal Elementary and Secondary Education Act of 1965, 20
2 25 U.S.C. } 6301 et seq., as amended by the federal No Child Left
2 26 Behind Act of 2001, Pub. L. No. 107=110. School districts and
2 27 accredited nonpublic schools shall include, at a minimum, the
2 28 core content standards adopted pursuant to this subsection in
2 29 any set of locally developed content standards. School
2 30 districts and accredited nonpublic schools are strongly
2 31 encouraged to ~~include the voluntary model core curriculum or~~
2 32 set higher expectations in local standards. As changes in
2 33 federal law or regulation occur, the state board is authorized
2 34 to amend the core content standards as appropriate.

2 35 Sec. 2. Section 279.61, Code Supplement 2007, is amended



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2216 - Introduced continued

3 1 to read as follows:

3 2 279.61 STUDENT PLAN FOR PROGRESS TOWARD UNIVERSITY

3 3 ADMISSIONS == REPORT.

3 4 1. For the school year beginning July 1, ~~2007~~ 2008, and
3 5 each succeeding school year, the board of directors of each
3 6 school district shall cooperate with each student enrolled in
3 7 grade eight to develop for the student a core curriculum plan
3 8 to guide the student toward the goal of successfully
3 9 completing, at a minimum, the ~~voluntary model~~ core curriculum
3 10 developed by the state board of education pursuant to section
3 11 256.7, subsection 26, by the time the student graduates from
3 12 high school. The plan shall include career options and shall
3 13 identify the coursework needed in grades nine through twelve
3 14 to support the student's postsecondary education and career
3 15 options. Additionally, the plan shall include a timeline for
3 16 each student to successfully complete, prior to graduation,
3 17 all components of the state-designated career information and
3 18 decision-making system administered by the department in
3 19 accordance with section 118 of the federal Carl D. Perkins
3 20 Career and Technical Education Improvement Act of 2006, Pub.
3 21 L. No. 109=270. The student's parent or guardian shall sign
3 22 the core curriculum plan developed with the student and the
3 23 signed plan shall be included in the student's cumulative
3 24 records.

3 25 2. For the school year beginning July 1, ~~2007~~ 2008, and
3 26 each succeeding school year, the board of directors of each
3 27 school district shall report annually to each student enrolled
3 28 in grades nine through twelve in the school district, and, if
3 29 the student is under the age of eighteen, to each student's
3 30 parent or guardian, the student's progress toward meeting the
3 31 goal of successfully completing the core curriculum and high
3 32 school graduation requirements adopted by the state board of
3 33 education pursuant to section 256.7, subsection 26.

3 34 Sec. 3. DEPARTMENT OF EDUCATION == CORE CURRICULUM STUDY.

3 35 The department of education shall conduct a study of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2216 - Introduced continued

5 1 textbook series to meet the core curriculum or core curriculum
5 2 standards.

5 3 The bill requires that the individual core curriculum plans
5 4 school districts must develop to guide each student toward the
5 5 goal of successfully completing the core curriculum by the
5 6 time the student graduates must include a timeline for the
5 7 successful completion of all components of the
5 8 state-designated career information and decision-making system
5 9 the state maintains under a federal Carl D. Perkins Career and
5 10 Technical Education Improvement Act of 2006 grant.

5 11 The department is directed to conduct a study of the
5 12 measures necessary for the successful adoption by the state's
5 13 school districts and accredited nonpublic schools of core
5 14 curriculums and core content standards established by the
5 15 state board. The department must submit its findings and
5 16 recommendations to the general assembly by November 14, 2008.

5 17 The bill eliminates references to a voluntary model core
5 18 curriculum.

5 19 The bill may include a state mandate as defined in Code
5 20 section 25B.3. The bill requires that the state cost of any
5 21 state mandate included in the bill be paid by a school
5 22 district from state school foundation aid received by the
5 23 school district under Code section 257.16. The specification
5 24 is deemed to constitute state compliance with any state
5 25 mandate funding-related requirements of Code section 25B.2.
5 26 The inclusion of this specification is intended to reinstate
5 27 the requirement of political subdivisions to comply with any
5 28 state mandates included in the bill.

5 29 LSB 6127SV 82

5 30 kh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2217 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3076)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to providing legal representation to an eligible
- 2 indigent person and the appointment of a guardian ad litem.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5472SV 82
- 5 jm/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2217 - Introduced continued

PAG LIN

1 1 Section 1. Section 13B.4, subsection 2, Code Supplement
1 2 2007, is amended to read as follows:
1 3 2. The state public defender shall file a notice with the
1 4 clerk of the district court in each county served by a public
1 5 defender designating which public defender office shall
1 6 receive notice of appointment of cases. The state public
1 7 defender may also designate a nonprofit organization which has
1 8 a contract with the state public defender to provide legal
1 9 services to eligible indigent persons ~~prior to July 1, 2004.~~
~~1 10 Except as otherwise provided, in.~~ In each county in which the
1 11 state public defender files a designation, the state public
1 12 defender's designee shall be appointed by the court to
1 13 represent all eligible ~~indigents~~ persons or to serve as
1 14 guardian ad litem for eligible children in juvenile court in
1 15 all of the cases and proceedings specified in the designation.
1 16 The appointment shall not be made if the state public defender
1 17 notifies the court that the state public defender ~~defender's~~
1 18 designee will not provide legal representation services in
1 19 certain cases as identified in the designation by the state
1 20 public defender.
1 21 Sec. 2. Section 13B.9, subsection 1, paragraph c, Code
1 22 2007, is amended by striking the paragraph and inserting in
1 23 lieu thereof the following:
1 24 c. Serve as guardian ad litem for each child in all cases
1 25 in which the local public defender office is the state public
1 26 defender's designee. The local public defender shall be
1 27 responsible for determining who shall perform the duties of
1 28 the guardian ad litem as defined in section 232.2 and shall be
1 29 responsible for assuring the court that the duties of the
1 30 guardian ad litem have been fulfilled.
1 31 Sec. 3. Section 13B.9, subsection 4, Code 2007, is amended
1 32 to read as follows:
1 33 4. a. If a conflict of interest arises or if the local
1 34 public defender is unable to handle a case because of a
1 35 temporary overload of cases, the local public defender shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2217 - Introduced continued

2 1 return the case to the court. If the case is returned and the
2 2 state public defender has filed a successor designation, the
2 3 court shall appoint the successor designee. If there is no
2 4 successor designee on file, the court shall make the
2 5 appointment pursuant to section 815.10. As used in this
2 6 subsection, "successor designee" may include another local
2 7 public defender office or a nonprofit organization that has
2 8 contracted with the state public defender under section 13B.4,
2 9 subsection 3.

2 10 b. If a conflict of interest arises in any case,
2 11 subsection 1 does not affect the local public defender's
2 12 obligation to withdraw as counsel or as guardian ad litem.

2 13 Sec. 4. Section 814.11, subsection 2, Code 2007, is
2 14 amended to read as follows:

2 15 2. If the appeal involves an indictable offense or denial
2 16 of postconviction relief, the appointment shall be made to the
2 17 state appellate defender unless the state appellate defender
2 18 notifies the court that the state appellate defender is unable
2 19 to handle the case due to a conflict of interest or because of
~~2 20 a temporary overload of cases.~~

2 21 Sec. 5. Section 814.11, Code 2007, is amended by adding
2 22 the following new subsection:

2 23 NEW SUBSECTION. 2A. In a juvenile case in which a
2 24 petition on appeal is required, the trial attorney shall
2 25 continue representation throughout the appeal without an
2 26 additional appointment order unless the court grants the
2 27 attorney permission to withdraw from the case.

2 28 Sec. 6. Section 814.11, subsections 3 and 4, Code 2007,
2 29 are amended to read as follows:

2 30 3. If the state appellate defender is unable to handle the
2 31 case or withdraws from the case, or if the appeal is other
2 32 than an indictable offense or denial of postconviction relief
2 33 or if the state appellate defender is unable to handle the
~~2 34 case, including a juvenile case in which a petition on appeal~~
2 35 is not required or a juvenile case in which the trial attorney



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2217 - Introduced continued

3 1 has withdrawn from the case, the court shall appoint an
3 2 attorney who has a contract with the state public defender to
3 3 handle such an appeal.

3 4 4. If the court determines that no contract attorney is
3 5 available to handle the appeal, the court may appoint a
3 6 noncontract attorney, if the state public defender consents to
3 7 the appointment of the noncontract attorney. The order of
3 8 appointment shall include a specific finding that no contract
3 9 attorney ~~was~~ is available and the state public defender
3 10 consents to the appointment.

3 11 Sec. 7. Section 815.10A, subsection 2, Code 2007, is
3 12 amended to read as follows:

3 13 2. Claims for compensation and reimbursement submitted by
3 14 an attorney appointed after June 30, 2004, are not considered
3 15 timely unless the claim is submitted to the state public
3 16 defender within forty=~~five~~ days of ~~the~~ a withdrawal order,
3 17 sentencing, acquittal, or dismissal of, whichever is earliest,
3 18 in a criminal case or the withdrawal order, final ruling, or
3 19 dismissal of, whichever is earliest, in any other type of
3 20 case.

3 21 Sec. 8. Section 815.11, Code Supplement 2007, is amended
3 22 to read as follows:

3 23 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE == FUND
3 24 CREATED.

3 25 Costs incurred for legal representation by a
3 26 court=~~appointed~~ attorney under chapter 229A, 665, 822, or 908,
3 27 or section 232.141, subsection 3, paragraph "d", or section
3 28 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
3 29 815.10 on behalf of an indigent shall be paid from moneys
3 30 appropriated by the general assembly to the office of the
3 31 state public defender in the department of inspections and
3 32 appeals and deposited in an account to be known as the
3 33 indigent defense fund. Costs incurred representing an
3 34 indigent defendant in a contempt action, or representing an
3 35 indigent juvenile in a juvenile court proceeding ~~under chapter~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

~~Senate File 2217 — Introduced continued~~

~~4 1 600~~, are also payable from the fund. However, costs incurred
4 2 in any administrative proceeding or in any other proceeding
4 3 under this chapter or chapter 598, 600, 600A, 633, 633A, 814,
4 4 or 915 or other provisions of the Code or administrative rules
4 5 are not payable from the fund.

4 6

EXPLANATION

4 7 This bill relates to providing legal representation to an
4 8 eligible indigent person and to the appointment of a guardian
4 9 ad litem.

4 10 The bill authorizes the state public defender to contract
4 11 with additional nonprofit organizations to provide legal
4 12 services to eligible indigent persons.

4 13 The bill strikes provisions requiring the local public
4 14 defender to make an annual report to the state public
4 15 defender. The bill also requires the local public defender to
4 16 serve as guardian ad litem for each child in all cases in
4 17 which the local public defender office is the state public
4 18 defender's designee. The bill also provides that the local
4 19 public defender shall be responsible for determining who shall
4 20 serve as the guardian ad litem and shall be responsible for
4 21 assuring the court that the duties of the guardian ad litem
4 22 have been fulfilled.

4 23 The bill provides that in a juvenile case in which a
4 24 petition on appeal is required, the trial attorney shall
4 25 continue representation throughout the appeal without an
4 26 additional appointment order unless the court permits the
4 27 attorney to withdraw.

4 28 The bill requires the court to appoint an attorney who has
4 29 a contract with the state public defender if the state
4 30 appellate defender is unable to handle the case or withdraws
4 31 from the case, and the appeal is in a juvenile case in which a
4 32 petition on appeal is not required or in a juvenile case in
4 33 which the trial attorney has withdrawn from the case.

4 34 If the court determines that no contract attorney is
4 35 available to handle an appeal, the court may appoint a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2217 - Introduced continued

5 1 noncontract attorney to handle the appeal, if the state public
5 2 defender consents to the appointment.

5 3 Under the bill, a claim for compensation and reimbursement
5 4 for representation of an indigent person in a case is not
5 5 timely unless the claim is filed within 45 days of the
5 6 withdrawal order, sentencing, acquittal, or dismissal,
5 7 whichever is earliest, in a criminal case, or the withdrawal
5 8 order, final ruling, or dismissal, whichever is earliest, in
5 9 any other type of case.

5 10 The bill strikes the provision from Code section 815.11
5 11 which permits payments from the indigent defense fund to an
5 12 attorney representing a juvenile in an adoption proceeding
5 13 pursuant to Code chapter 600.

5 14 LSB 5472SV 82

5 15 jm/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2218 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3072)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

1 An Act allowing the director of the department of education to
2 withhold certain state funding from school districts, area
3 education agencies, and community colleges when required
4 report submissions are late.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5335SV 82
7 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2218 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.9, subsection 18, Code Supplement
1 2 2007, is amended to read as follows:
1 3 18. a. Prepare forms and procedures as necessary to be
1 4 used by area education agency boards, district boards, school
1 5 officials, principals, teachers, and other employees, and to
1 6 insure uniformity, accuracy, and efficiency in keeping records,
1 7 in both pupil and cost accounting, the execution of contracts,
1 8 and the submission of reports, ~~and notify.~~
1 9 b. (1) Notify the area education agency board, district
1 10 board, or school authorities when a report has not been filed
1 11 in the manner or on the dates prescribed by law or by rule
1 12 that the school will not be accredited until the report has
1 13 been properly filed.
1 14 (2) The director may withhold from a school district the
1 15 payment of state foundation aid under section 257.16,
1 16 subsection 2, if the school district has not filed a data or
1 17 information report with the department on the date prescribed
1 18 by law or by rule. The director may withhold up to ten
1 19 percent of the monthly payment if the submission is thirty
1 20 days late and may withhold up to twenty-five percent of
1 21 subsequent monthly payments until the report is filed. The
1 22 director shall notify the school district and the school
1 23 district board president of the intent to withhold state
1 24 foundation aid at least fifteen days prior to such action.
1 25 After the department has verified a school district has
1 26 submitted the required report, all withheld amounts shall be
1 27 distributed within sixty days and shall be included with a
1 28 regularly scheduled monthly payment.
1 29 Sec. 2. Section 260C.5, subsection 5, Code 2007, is
1 30 amended to read as follows:
1 31 5. a. Administer, allocate, and disburse federal or state
1 32 funds available to pay a portion of the operating costs of
1 33 community colleges.
1 34 b. The director may withhold from a community college the
1 35 payment of general state financial aid under section 260C.18C,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2218 - Introduced continued

2 1 if the community college has not filed a data or information
 2 2 report on the date prescribed by law or by rule. The director
 2 3 may withhold up to ten percent of a monthly payment if the
 2 4 submission is thirty days late and may withhold up to
 2 5 twenty-five percent of subsequent monthly payments until the
 2 6 report is filed. The director shall notify the community
 2 7 college and the merged area board president of the intent to
 2 8 withhold general state financial aid at least fifteen days
 2 9 prior to such action. After the department has verified a
 2 10 community college has submitted the required report, all
 2 11 withheld amounts shall be distributed within sixty days and
 2 12 shall be included with a regularly scheduled monthly payment.

2 13 Sec. 3. NEW SECTION. 273.14 REPORT DEADLINES ==
 2 14 PENALTIES.

2 15 The director of the department of education may order a
 2 16 school district to withhold from an area education agency
 2 17 funds due under section 256B.9 or 273.9 if the area education
 2 18 agency has not filed a data or information report on the date
 2 19 prescribed by law or by rule. The director may order up to
 2 20 ten percent of a monthly payment be withheld if the submission
 2 21 is thirty days late and up to twenty-five percent of
 2 22 subsequent monthly payments until the report is filed. The
 2 23 director shall notify the president of the area education
 2 24 agency board and the president of the school district board of
 2 25 the order to withhold funds at least fifteen days prior to the
 2 26 district taking such action. After the department has
 2 27 verified an area education agency has submitted the required
 2 28 report, all withheld amounts shall be distributed within sixty
 2 29 days and may be included with a regularly scheduled monthly
 2 30 payment.

EXPLANATION

2 31
 2 32 This bill allows the director of the department of
 2 33 education to enforce compliance with reporting and submission
 2 34 deadlines from school districts, area education agencies
 2 35 (AEAs), and community colleges. The bill allows the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2218 - Introduced continued

3 1 department to withhold a part of state aid payments in an
3 2 effort to incentivize compliance with reporting requirements.
3 3 The bill also allows the department to order a school district
3 4 to withhold payments from AEAs to incentivize compliance. The
3 5 bill provides that a submission that is 30 days late would
3 6 allow the department, or a school district in the case of an
3 7 AEA, to withhold 10 percent of the monthly state aid amount
3 8 due the school district, community college, or AEA. If a
3 9 submission is 60 days late, the bill allows the department, or
3 10 school district, to withhold 25 percent of subsequent monthly
3 11 state aid amounts. The bill provides that once an entity
3 12 submits the required report, the withheld funds will be
3 13 distributed within 60 days and included with a regularly
3 14 scheduled monthly payment.
3 15 LSB 5335SV 82
3 16 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2219 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3042)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

1 An Act relating to contractor registration through the division
2 of labor services of the department of workforce development
3 and the appropriation of fees for the use of the division.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5436SV 82
6 ak/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2219 - Introduced continued

PAG LIN

1 1 Section 1. Section 91C.4, Code 2007, is amended to read as
1 2 follows:

1 3 91C.4 FEES.

1 4 The labor commissioner shall prescribe the fee for
1 5 registration, which fee shall not exceed ~~twenty-five~~ fifty
1 6 dollars every two years. All fees collected shall be
1 7 deposited in the ~~general fund of the state~~ contractor
1 8 registration fund created in section 91C.9.

1 9 Sec. 2. NEW SECTION. 91C.9 CONTRACTOR REGISTRATION FUND.

1 10 A contractor registration fund is created as a revolving
1 11 fund within the state treasury under the control of the labor
1 12 commissioner. The fund shall consist of all fees collected by
1 13 the commissioner pursuant to this chapter. The moneys in the
1 14 fund are appropriated to the division of labor services of the
1 15 department of workforce development and shall be used by the
1 16 commissioner to pay the actual costs and expenses necessary to
1 17 operate the contractor registration program and perform the
1 18 duties of the commissioner as described in this chapter.
1 19 Salaries and expenses properly chargeable to the fund shall be
1 20 paid from the fund. Section 8.33 does not apply to any moneys
1 21 in the fund. Notwithstanding section 12C.7, subsection 2,
1 22 interest or earnings on moneys deposited in the fund shall be
1 23 credited to the fund.

1 24 EXPLANATION

1 25 This bill increases the contractor registration fee to not
1 26 more than \$50 every two years from \$25 every two years.

1 27 A revolving fund is created for the contractor registration
1 28 program for the division of labor services of the department
1 29 of workforce development. Fees collected pursuant to Code
1 30 chapter 91C are required to be deposited in the revolving fund
1 31 and are appropriated to pay for the costs and expenses related
1 32 to the operation of the contractor registration program.

1 33 LSB 5436SV 82

1 34 ak/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2220 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
AND BUSINESS RELATIONS

(SUCCESSOR TO SSB 3073)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to unemployment insurance tax penalties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5470SV 82
- 4 ak/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2220 - Introduced continued

PAG LIN

1 1 Section 1. Section 96.14, subsection 2, paragraph d, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 d. A penalty shall not be less than ~~ten dollars for the~~
~~1 4 first delinquent report or the first insufficient report not~~
~~1 5 made sufficient within thirty days after a request to do so.~~
~~1 6 The penalty shall not be less than twenty-five dollars for the~~
~~1 7 second delinquent or insufficient report, and not less than~~
1 8 fifty dollars for each delinquent or insufficient report
1 9 thereafter, until four consecutive calendar quarters of
~~1 10 reports are timely and sufficiently filed. Interest,~~
1 11 penalties, and cost shall be collected by the department in
1 12 the same manner as provided by this chapter for contributions.

1 13 Sec. 2. Section 96.14, subsection 2, Code Supplement 2007,
1 14 is amended by adding the following new paragraph:

1 15 NEW PARAGRAPH. ee. If any tendered payment of any amount
1 16 due in the form of a check, draft, or money order is not
1 17 honored when presented to a financial institution, any costs
1 18 assessed to the department by the financial institution and a
1 19 fee of thirty dollars shall be assessed to the employer.

1 20 Sec. 3. Section 96.14, Code Supplement 2007, is amended by
1 21 adding the following new subsection:

1 22 NEW SUBSECTION. 17. EMPLOYER SUBPOENA COST AND PENALTY.
1 23 An employer who is served with a subpoena pursuant to section
1 24 96.11, subsection 7, for the investigation of an employer
1 25 liability issue, to complete audits, to secure reports, or to
1 26 assess contributions shall pay all costs associated with the
1 27 subpoena, including service fees and court costs. The
1 28 department shall penalize an employer in the amount of two
1 29 hundred fifty dollars if that employer refused to honor a
1 30 subpoena or negligently failed to honor a subpoena. The cost
1 31 of the subpoena and any penalty shall be collected in the
1 32 manner provided in section 96.14, subsection 3.

1 33 EXPLANATION

1 34 This bill relates to the unemployment insurance tax law and
1 35 creates a \$50 penalty for each delinquent or insufficient wage



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2220 - Introduced continued

2 1 report from an employer. The bill mandates a \$30 fee and
2 2 costs to be paid by an employer who tenders a faulty
2 3 unemployment contribution payment to the department of
2 4 workforce development.
2 5 An employer who is served with a subpoena pursuant to Code
2 6 section 96.11, subsection 7, relating to administration of the
2 7 unemployment insurance law, is responsible for paying all
2 8 service fees and court costs associated with the subpoena.
2 9 Refusal or negligent failure to honor the subpoena shall
2 10 result in a penalty of \$250 by the department.
2 11 LSB 5470SV 82
2 12 ak/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2221 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3049)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to workers' compensation benefit payments for
- 2 burial expenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5507SV 82
- 5 av/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2221 - Introduced continued

PAG LIN

1 1 Section 1. Section 85.28, Code 2007, is amended to read as
1 2 follows:

1 3 85.28 BURIAL EXPENSE.

1 4 When death ensues from the injury, the employer shall pay
1 5 the reasonable expenses of burial of such employee, not to
1 6 exceed ~~seven thousand five hundred dollars~~ twelve times the
1 7 statewide average weekly wage paid employees as determined by
1 8 the department of workforce development under section 96.19,
1 9 subsection 36, and in effect at the time of death, which shall
1 10 be in addition to other compensation or any other benefit
1 11 provided for in this chapter.

1 12 EXPLANATION

1 13 This bill provides a computation for determining workers'
1 14 compensation benefit payments for burial expenses, changing
1 15 from a flat \$7,500 to 12 times the statewide average weekly
1 16 wage rate as determined by the department of workforce
1 17 development.

1 18 LSB 5507SV 82

1 19 av/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2222 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3047)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to payment of wages.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 5438SV 82
- 4 ak/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2222 - Introduced continued

PAG LIN

1 1 Section 1. Section 91A.3, subsection 3, paragraph a,
1 2 unnumbered paragraph 1, Code Supplement 2007, is amended to
1 3 read as follows:

1 4 The wages paid under subsection 1 shall be ~~sent to the~~
~~1 5 employee by mail or be~~ paid at the employee's normal place of
1 6 employment during normal employment hours or at a place and
1 7 hour mutually agreed upon by the employer and employee, or the
1 8 employee may elect to have the wages sent for direct deposit,
1 9 on or by the regular payday of the employee, into a financial
1 10 institution designated by the employee. Upon written request
1 11 by the employee, wages due may be sent to the employee by
1 12 mail. The employer shall maintain a copy of the request for
1 13 as long as it is effective and for at least two years
1 14 thereafter. An employee hired on or after July 1, 2005, may
1 15 be required, as a condition of employment, to participate in
1 16 direct deposit of the employee's wages in a financial
1 17 institution of the employee's choice unless any of the
1 18 following conditions exist:

1 19 Sec. 2. Section 91A.3, subsection 3, paragraph b, Code
1 20 Supplement 2007, is amended to read as follows:

1 21 b. If the employer fails to ~~send~~ pay an employee's wages
1 22 ~~for direct deposit~~ on or by the regular payday in accordance
1 23 with this subsection, the employer is liable for the amount of
1 24 any overdraft charge if the overdraft is created on the
1 25 employee's account because of the employer's failure to ~~send~~
1 26 pay the wages on or by the regular payday. The overdraft
1 27 charges may be the basis for a claim under section 91A.10 and
1 28 for damages under section 91A.8.

1 29 EXPLANATION

1 30 This bill expands the circumstances under which an
1 31 employee's overdraft charges that were caused by an employer's
1 32 failure to pay wages timely would be the basis for a wage
1 33 claim under Code chapter 91A to all failures to timely pay
1 34 wages rather than only failures to send wages for direct
1 35 deposit.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2222 - Introduced continued

2 1 The bill also provides that an employee may make a written
2 2 request to have wages sent by mail. The employee must keep
2 3 the request for record purposes for as long as the request is
2 4 in effect plus two years.
2 5 LSB 5438SV 82
2 6 ak/nh/8



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 21, 2008

Senate File 2223 - Introduced

SENATE FILE
 BY COMMITTEE ON NATURAL
 RESOURCES AND
 ENVIRONMENT

(SUCCESSOR TO SF 2077)

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to renewable energy, providing for state bank
- 2 acquisition of equity interests in wind energy production
- 3 facilities, and providing for qualification for specified tax
- 4 credits and refunds by state banks and by owners or
- 5 manufacturing facilities generating wind energy for on-site
- 6 consumption rather than sale, and providing effective and
- 7 applicability dates.
- 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 9 TLSB 5589SV 82
- 10 rn/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2223 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 BANK WIND ENERGY INVESTMENT
1 3 Section 1. Section 524.802, Code 2007, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 13A. Provide customer financing for wind
1 6 energy production facilities eligible for production tax
1 7 credits pursuant to chapter 476B in a manner that maximizes
1 8 the availability of production tax credits to the state bank,
1 9 including structuring such financing as a membership
1 10 investment whereby the state bank as equity investor may take
1 11 a majority financial position, but not a management position,
1 12 in each such facility, subject to the following:
1 13 a. Prior to providing financing, a creditworthiness review
1 14 shall be conducted pursuant to the state bank's standard loan
1 15 underwriting criteria.
1 16 b. The state bank shall not participate in the operation
1 17 of the facility, the production of wind energy, or the sale of
1 18 wind energy if such sale is contemplated by the customer.
1 19 c. If the facility does not perform as projected in the
1 20 equity investment agreement, the state bank may either sell
1 21 its interest in the facility or pursue liquidation.
1 22 d. The state bank shall not share in any appreciation in
1 23 value of its interest in the facility or in any of the
1 24 customer's real or personal assets.
1 25 e. At the end of any applicable holding period, the state
1 26 bank shall sell at book value its ownership interest in the
1 27 facility.
1 28 DIVISION II
1 29 WIND ENERGY PRODUCTION TAX CREDITS AND REFUNDS
1 30 Sec. 2. Section 423.4, subsection 4, Code Supplement 2007,
1 31 is amended to read as follows:
1 32 4. A person in possession of a wind energy production tax
1 33 credit certificate pursuant to chapter 476B or a renewable
1 34 energy tax credit certificate issued pursuant to chapter 476C
1 35 may apply to the director for refund of the amount of sales or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2223 - Introduced continued

2 1 use tax imposed and paid upon purchases made by the applicant.

2 2 a. The refunds may be obtained only in the following
2 3 manner and under the following conditions:

2 4 (1) On forms furnished by the department and filed by
2 5 January 31 after the end of the calendar year in which the tax
2 6 credit certificate is to be applied, the applicant shall
2 7 report to the department the total amount of sales and use tax
2 8 paid during the reporting period on purchases made by the
2 9 applicant.

2 10 (2) The applicant shall separately list the amounts of
2 11 sales and use tax paid during the reporting period.

2 12 (3) If required by the department, the applicant shall
2 13 prove that the person making the sales has included the amount
2 14 thereof in the computation of the sales price of such person
2 15 and that such person has paid the tax levied by this
2 16 subchapter or subchapter III, based upon such computation of
2 17 the sales price.

2 18 (4) The applicant shall provide the tax credit
2 19 certificates issued pursuant to chapter 476B or 476C to the
2 20 department with the forms required by this paragraph "a".

2 21 b. If satisfied that the foregoing conditions and
2 22 requirements have been complied with, the director shall
2 23 refund the amount claimed by the applicant for an amount not
2 24 greater than the amount of tax credits issued in tax credit
2 25 certificates pursuant to chapter 476B or 476C.

2 26 Sec. 3. Section 437A.17B, Code 2007, is amended to read as
2 27 follows:

2 28 437A.17B REIMBURSEMENT FOR RENEWABLE ENERGY.

2 29 A person in possession of a wind energy tax credit
2 30 certificate issued pursuant to chapter 476B or a renewable
2 31 energy tax credit certificate issued pursuant to chapter 476C
2 32 may apply to the director for a reimbursement of the amount of
2 33 taxes imposed and paid by the person pursuant to this chapter
2 34 in an amount not more than the person received in wind energy
2 35 tax credit certificates pursuant to chapter 476B or renewable



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2223 - Introduced continued

3 1 energy tax credit certificates pursuant to chapter 476C. To
3 2 obtain the reimbursement, the person shall attach to the
3 3 return required under section 437A.8 the wind energy tax
3 4 credit certificates issued to the person pursuant to chapter
3 5 476B, or the renewable energy tax credit certificates issued
3 6 to the person pursuant to chapter 476C, and provide any other
3 7 information the director may require. The director shall
3 8 direct a warrant to be issued to the person for an amount
3 9 equal to the tax imposed and paid by the person pursuant to
3 10 this chapter but for not more than the amount of the wind
3 11 energy tax credit certificates or renewable energy tax credit
3 12 certificates attached to the return.

3 13 Sec. 4. Section 476B.1, subsection 4, paragraph c, Code
3 14 2007, is amended to read as follows:

3 15 c. Was originally placed in service on or after July 1,
3 16 2005, but before July 1, ~~2009~~ 2012.

3 17 Sec. 5. Section 476B.1, subsection 4, Code 2007, is
3 18 amended by adding the following new paragraph:

3 19 NEW PARAGRAPH. d. Consists of one or more wind turbines
3 20 connected to a common gathering line which have a combined
3 21 nameplate capacity of less than thirty-five megawatts.

3 22 Sec. 6. Section 476B.2, Code 2007, is amended to read as
3 23 follows:

3 24 476B.2 GENERAL RULE.

3 25 The owner of a qualified facility shall, for each
3 26 kilowatt-hour of qualified electricity that the owner sells or
3 27 uses for on-site consumption during the ten-year period
3 28 beginning on the date the qualified facility was originally
3 29 placed in service, be allowed a wind energy production tax
3 30 credit to the extent provided in this chapter against the tax
3 31 imposed in chapter 422, divisions II, III, and V, and chapter
3 32 432, and may claim a refund of tax imposed by chapter 423 or
3 33 437A for any tax year within the time period set forth in
3 34 section 423.47 or 437A.14.

3 35 Sec. 7. Section 476B.3, Code 2007, is amended to read as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2223 - Introduced continued

4 1 follows:

4 2 476B.3 CREDIT AMOUNT.

4 3 The wind energy production tax credit allowed under this
4 4 chapter equals the product of one cent multiplied by the
4 5 number of kilowatt=hours of qualified electricity sold or used
4 6 for on=site consumption by the owner during the taxable year.

4 7 Sec. 8. Section 476B.5, subsection 1, paragraph e, Code
4 8 2007, is amended to read as follows:

4 9 e. A Except when electricity is used for on=site
4 10 consumption, a copy of an executed power purchase agreement or
4 11 other agreement to purchase electricity upon completion of the
4 12 project. An executed interconnection agreement or
4 13 transmission service agreement shall be accepted by the board
4 14 under this paragraph if the owner of the facility has agreed
4 15 to sell electricity from the facility directly or indirectly
4 16 to a wholesale power pool market.

4 17 Sec. 9. Section 476B.6, subsection 2, Code 2007, is
4 18 amended by adding the following new paragraph:

4 19 NEW PARAGRAPH. f. For a facility in which electricity is
4 20 used for on=site consumption, the requirements of paragraphs
4 21 "c" and "d" shall not be applicable.

4 22 Sec. 10. Section 476B.6, subsection 3, Code 2007, is
4 23 amended to read as follows:

4 24 3. The board shall notify the department of the amount of
4 25 kilowatt=hours generated and purchased from a qualified
4 26 facility or generated and used on=site by a qualified
4 27 facility. The department shall calculate the amount of the
4 28 tax credit for which the applicant is eligible and shall issue
4 29 the tax credit certificate for that amount or notify the
4 30 applicant in writing of its refusal to do so. An applicant
4 31 whose application is denied may file an appeal with the
4 32 department within sixty days from the date of the denial
4 33 pursuant to the provisions of chapter 17A.

4 34 Sec. 11. Section 476B.6, subsection 5, paragraph d, Code
4 35 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2223 - Introduced continued

5 1 d. If the tax credit application is filed by a
5 2 partnership, limited liability company, S corporation, estate,
5 3 trust, or other reporting entity, all of whose income is taxed
5 4 directly to its equity holders or beneficiaries for the taxes
5 5 imposed under chapter 422, division V, or under chapter 423,
5 6 432, or 437A, the tax credit certificate shall be issued
5 7 directly to the partnership, limited liability company, S
5 8 corporation, estate, trust, or other reporting entity.

5 9 Sec. 12. Section 476B.7, unnumbered paragraph 1, Code
5 10 2007, is amended to read as follows:

5 11 Wind energy production tax credit certificates issued under
5 12 this chapter may be transferred to any person or entity.

5 13 Within thirty days of transfer, the transferee must submit the
5 14 transferred tax credit certificate to the department along
5 15 with a statement containing the transferee's name, tax
5 16 identification number, and address, and the denomination that
5 17 each replacement tax credit certificate is to carry and any
5 18 other information required by the department. Within thirty
5 19 days of receiving the transferred tax credit certificate and
5 20 the transferee's statement, the department shall issue one or
5 21 more replacement tax credit certificates to the transferee.

5 22 Each replacement certificate must contain the information
5 23 required under section 476B.6 and must have the same effective
5 24 taxable year and the same expiration date that appeared in the
5 25 transferred tax credit certificate. Tax credit certificate
5 26 amounts of less than the minimum amount established by rule of
5 27 the board shall not be transferable. A tax credit shall not
5 28 be claimed by a transferee under this chapter until a
5 29 replacement tax credit certificate identifying the transferee
5 30 as the proper holder has been issued. A replacement tax
5 31 credit certificate may reflect a different type of tax than
5 32 the type of tax noted on the original tax credit certificate.

5 33 Sec. 13. Section 476B.7, unnumbered paragraph 2, Code
5 34 2007, is amended to read as follows:

5 35 The tax credit shall ~~only be transferred once~~ be freely



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2223 - Introduced continued

6 1 transferable. The transferee may use the amount of the tax
6 2 credit transferred against the taxes imposed under chapter
6 3 422, divisions II, III, and V, and chapter 432 for any tax
6 4 year the original transferor could have claimed the tax
6 5 credit. The transferee may claim a refund under chapter 423
6 6 or 437A for any tax year within the time period set forth in
6 7 section 423.47 or 437A.14 for which the original transferor
6 8 could have claimed a refund. Any consideration received for
6 9 the transfer of the tax credit shall not be included as income
6 10 under chapter 422, divisions II, III, and V. Any
6 11 consideration paid for the transfer of the tax credit shall
6 12 not be deducted from income under chapter 422, divisions II,
6 13 III, and V.

6 14 Sec. 14. Section 476B.8, Code 2007, is amended to read as
6 15 follows:

6 16 476B.8 USE OF TAX CREDIT CERTIFICATES.

6 17 To claim a wind energy production tax credit under this
6 18 chapter, a taxpayer must attach one or more tax credit
6 19 certificates to the taxpayer's tax return, or if used against
6 20 taxes imposed under chapter 423, the taxpayer shall comply
6 21 with section 423.4, subsection 4, or if used against taxes
6 22 imposed under chapter 437A, the taxpayer shall comply with
6 23 section 437A.17B. A tax credit certificate shall not be used
6 24 or attached to a return filed for a taxable year beginning
6 25 prior to July 1, 2006. The tax credit certificate or
6 26 certificates attached to the taxpayer's tax return shall be
6 27 issued in the taxpayer's name, expire on or after the last day
6 28 of the taxable year for which the taxpayer is claiming the tax
6 29 credit, and show a tax credit amount equal to or greater than
6 30 the tax credit claimed on the taxpayer's tax return. Any tax
6 31 credit in excess of the taxpayer's tax liability for the
6 32 taxable year may be credited to the taxpayer's tax liability
6 33 for the following seven taxable years or until depleted,
6 34 whichever is the earlier. If the tax credit is applied
6 35 against the taxes imposed under chapter 423 or 437A, any



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2223 - Introduced continued

7 1 credit in excess of the taxpayer's tax liability is carried
7 2 over and can be filed with the refund claim for the following
7 3 seven tax years or until depleted, whichever is earlier.
7 4 However, the certificate shall not be used to reduce tax
7 5 liability for a tax period ending after the expiration date of
7 6 the certificate.

7 7 Sec. 15. EFFECTIVE AND APPLICABILITY DATES. This Act,
7 8 being deemed of immediate importance, takes effect upon
7 9 enactment and is retroactively applicable to taxable years
7 10 beginning on or after January 1, 2008, for tax credits issued
7 11 pursuant to this Act.

7 12 EXPLANATION

7 13 This bill provides for acquisition of equity interests in
7 14 wind energy production facilities by state banks financing
7 15 such facilities for customers, and relates to qualification
7 16 for specified wind energy tax credits.

7 17 The bill specifies procedures and requirements applicable
7 18 to a state bank structuring the financing of wind energy
7 19 production facilities as a membership investment with the
7 20 state bank as an equity investor acquiring ownership in the
7 21 facility.

7 22 The bill modifies provisions applicable to qualification
7 23 for the wind energy production tax credit pursuant to Code
7 24 chapter 476B consistent with state bank ownership, adds that a
7 25 person in possession of a wind energy tax credit certificate
7 26 can qualify for a refund of sales or use taxes and of
7 27 generation, transmission, or delivery taxes, and provides that
7 28 projects can qualify for the tax credit whether the
7 29 electricity is sold, as is currently the case, or utilized for
7 30 on-site consumption. The time period during which projects
7 31 placed in service may qualify for tax credits is extended from
7 32 July 1, 2009, to July 1, 2012. The bill adds to the
7 33 definition of a qualified wind energy production facility that
7 34 the facility consists of one or more wind turbines connected
7 35 to a common gathering line which have a combined nameplate



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2223 - Introduced continued

8 1 generating capacity of less than 35 megawatts.
8 2 The bill changes a current restriction on transferability
8 3 of credit certificates on a one-time basis to an unlimited
8 4 number of transfers, and provides that a replacement tax
8 5 credit certificate may reflect a different type of tax than
8 6 noted on the original certificate.
8 7 The bill takes effect upon enactment and applies
8 8 retroactively to taxable years beginning on or after January
8 9 1, 2008, with respect to tax credits issued pursuant to the
8 10 bill.
8 11 LSB 5589SV 82
8 12 rn/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2224 - Introduced

SENATE FILE
BY WARNSTADT

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the home ownership assistance program for
- 2 members of the military.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5915XS 82
- 5 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2224 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.15, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. For the purposes of this section, "eligible member of
1 4 the armed forces of the United States" means a resident of
1 5 this state who is or was a member of the national guard,
1 6 reserve, or regular component of the armed forces of the
1 7 United States who has served at least ninety days of active
1 8 duty service ~~during the period beginning on or after September~~
1 9 ~~11, 2001, and ending June 30, 2008, or other unless another~~
1 10 ~~period is designated by law.~~
1 11 Sec. 2. Section 35A.15, subsection 3, Code Supplement
1 12 2007, is amended to read as follows:
1 13 3. The program shall be administered by the Iowa finance
1 14 authority and shall provide loans, grants, or other assistance
1 15 to persons who are or were eligible members of the armed
1 16 forces of the United States. In the event an eligible member
1 17 is deceased, the surviving spouse of the eligible member shall
1 18 be eligible for assistance under the program, subject to the
1 19 surviving spouse meeting the program's eligibility
1 20 requirements other than the military service requirement. In
1 21 addition, a person eligible for the program under this section
1 22 may participate in other loan and grant programs of the Iowa
1 23 finance authority provided the person meets the requirements
1 24 of those programs.
1 25 Sec. 3. Section 35A.15, Code Supplement 2007, is amended
1 26 by adding the following new subsection:
1 27 NEW SUBSECTION. 3A. To qualify for a loan, grant, or
1 28 other assistance under the home ownership assistance program,
1 29 the following requirements, if applicable, shall be met:
1 30 a. If the person eligible for the program is a first-time
1 31 homebuyer, then, for financed home purchases that close on or
1 32 after July 1, 2008, the eligible person shall use a lender
1 33 that participates in the Iowa finance authority's applicable
1 34 programs for first-time homebuyers.
1 35 b. A title guaranty certificate shall be issued for the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2224 - Introduced continued

2 1 property being purchased under the program.
2 2 Sec. 4. Section 35A.15, subsection 4, Code Supplement
2 3 2007, is amended to read as follows:
2 4 4. ~~The program shall be administered by the Iowa finance~~
2 5 ~~authority shall adopt rules for administering the program.~~
2 6 The rules may provide for limiting the period of time for
2 7 which an award of funds under the program shall be reserved
2 8 for an eligible person pending the closing of a home purchase
2 9 and compliance with all program requirements. Implementation
2 10 of the program shall be limited to the extent of the amount
2 11 appropriated or otherwise made available for purposes of the
2 12 program.

2 13 EXPLANATION

2 14 This bill concerns the home ownership assistance program
2 15 for members of the military.
2 16 The bill provides that a resident of the state who serves
2 17 on active duty after June 30, 2008, is eligible for the
2 18 program. Current law provides that the period of service must
2 19 have occurred between September 11, 2001, and June 30, 2008.
2 20 The bill also provides that a person eligible for the
2 21 program may participate in other loan and grant programs of
2 22 the Iowa finance authority.
2 23 The bill establishes additional requirements for
2 24 participation in the program. If the eligible person is a
2 25 first-time homebuyer, the person shall, for purchases that
2 26 close on or after July 1, 2008, use a lender that participates
2 27 in the Iowa finance authority's applicable programs for
2 28 first-time homebuyers. In addition, the bill requires a title
2 29 guaranty certificate to be issued for the property being
2 30 purchased under the program.
2 31 The bill grants the Iowa finance authority rulemaking
2 32 authority for administering the program and provides that the
2 33 rules may provide for limiting the period of time for which an
2 34 award of funds under the program shall be reserved for an
2 35 eligible person pending the closing of a home purchase and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2224 - Introduced continued

- 3 1 compliance with all program requirements.
- 3 2 LSB 5915XS 82
- 3 3 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2225 - Introduced

SENATE FILE
BY BOLKCOM

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the disposal of solid waste in sanitary
- 2 landfills by prohibiting the final disposal of
- 3 mercury-containing lamps.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 6116XS 82
- 6 tw/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2225 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 455D.9B LANDFILL DISPOSAL OF
1 2 MERCURY=CONTAINING LAMPS PROHIBITED.
1 3 1. Beginning July 1, 2008, the disposal of
1 4 mercury=containing lamps in a sanitary landfill is prohibited.
1 5 "Mercury=containing lamp" includes but is not limited to
1 6 fluorescent, high=pressure sodium, mercury vapor, and metal
1 7 halide lamps.
1 8 2. A person offering for sale or selling a
1 9 mercury=containing lamp at retail in this state shall do all
1 10 of the following:
1 11 a. Accept used mercury=containing lamps for recycling from
1 12 customers who purchase new mercury=containing lamps, at the
1 13 point of sale.
1 14 b. Post written notice that land disposal of
1 15 mercury=containing lamps is prohibited and that state law
1 16 requires the retailer to accept mercury=containing lamps for
1 17 recycling when new mercury=containing lamps are purchased.
1 18 3. A person offering for sale or selling
1 19 mercury=containing lamps at wholesale shall accept used
1 20 mercury=containing lamps for recycling from retailers who
1 21 purchase new mercury=containing lamps for resale to consumers,
1 22 or from wholesale customers.

1 23 EXPLANATION

1 24 This bill relates to the disposal of mercury=containing
1 25 lamps in sanitary landfills. One of the most common
1 26 mercury=containing lamps is known as a compact fluorescent
1 27 light bulb.
1 28 The bill prohibits the final disposal of mercury=containing
1 29 lamps in a sanitary landfill after July 1, 2008, and requires
1 30 retailers and wholesalers selling new mercury=containing lamps
1 31 to accept used mercury=containing lamps from consumers for
1 32 recycling.
1 33 LSB 6116XS 82
1 34 tw/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2226 - Introduced

SENATE FILE
BY BOLKCOM

Passed Senate, Date _____	Passed House, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

1 An Act prohibiting the issuance of certificates, permits, and
2 licenses for the construction of certain electric power
3 generating facilities that are fueled by coal for a specified
4 time period, and providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 6041XS 82
7 rn/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2226 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.134, subsection 3, Code Supplement
1 2 2007, is amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. h. Notwithstanding any other provision of
1 4 division II of this chapter, an application for a permit or
1 5 conditional permit for the construction of an electric power
1 6 generating facility that is fueled by coal shall be subject to
1 7 the temporary moratorium provisions of section 476A.16.

1 8 Sec. 2. NEW SECTION. 476A.16 COAL FACILITY CONSTRUCTION
1 9 == TEMPORARY MORATORIUM.

1 10 Notwithstanding any other provision of this title, the Iowa
1 11 utilities board and the department of natural resources shall
1 12 not issue a certificate, license, or permit for the
1 13 construction of an electric power generating facility that is
1 14 fueled by coal for a five-year time period commencing on the
1 15 effective date of this Act. This prohibition shall not apply
1 16 to an electric power generating facility that is fueled by
1 17 coal which captures and safely and permanently sequesters
1 18 ninety percent or more of the carbon dioxide emissions for the
1 19 entire operating life of the facility, nor to an electric
1 20 power generating facility with a nameplate electrical
1 21 generation capacity of less than ten megawatts. The board
1 22 shall establish by rule documentation and inspection
1 23 requirements relating to carbon dioxide emission recapture and
1 24 sequestration plan submission by applicants.

1 25 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
1 26 immediate importance, takes effect upon enactment.

1 27 EXPLANATION

1 28 This bill provides for a five-year moratorium, commencing
1 29 on the effective date of the bill, regarding the issuance of
1 30 certificates, permits, and licenses for the construction of
1 31 certain electric power generating facilities that are fueled
1 32 by coal by the Iowa utilities board and the department of
1 33 natural resources. The bill provides exceptions for
1 34 facilities which submit documentation to the board of plans to
1 35 capture and safely and permanently sequester 90 percent or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2226 - Introduced continued

2 1 more of the carbon dioxide emissions for the entire operating
2 2 life of the facility, and for a facility with a nameplate
2 3 electrical generation capacity of less than 10 megawatts. The
2 4 bill provides that the board shall establish by rule
2 5 documentation and inspection requirements applicable to carbon
2 6 dioxide emission recapture and sequestration plan submission
2 7 by applicants.
2 8 The bill takes effect upon enactment.
2 9 LSB 6041XS 82
2 10 rn/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2227 - Introduced

SENATE FILE
BY MCKINLEY

Passed Senate, Date _____	Passed House, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act requiring a regulatory analysis of administrative rules
- 2 impacting small business.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6039XS 82
- 5 jr/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2227 - Introduced continued

PAG LIN

1 1 Section 1. Section 17A.4A, Code 2007, is amended to read
1 2 as follows:
1 3 17A.4A REGULATORY ANALYSIS.
1 4 1. a. An agency shall issue a regulatory analysis of a
1 5 proposed rule that complies with subsection 2, paragraph "a",
1 6 if, within thirty-two days after the published notice of
1 7 proposed rule adoption, a written request for the analysis is
1 8 submitted to the agency by the administrative rules review
1 9 committee or the administrative rules coordinator. ~~An agency~~
~~1 10 shall issue a regulatory analysis of a proposed rule that~~
~~1 11 complies with subsection 2, paragraph "b", if the rule would~~
~~1 12 have a substantial impact on small business and if, within~~
~~1 13 thirty-two days after the published notice of proposed rule~~
~~1 14 adoption, a written request for analysis is submitted to the~~
~~1 15 agency by the administrative rules review committee, the~~
~~1 16 administrative rules coordinator, at least twenty-five persons~~
~~1 17 signing that request who each qualify as a small business or~~
~~1 18 by an organization representing at least twenty-five such~~
~~1 19 persons. If a rule has been adopted without prior notice and~~
1 20 an opportunity for public participation in reliance upon
1 21 section 17A.4, subsection 2, the written request for an
1 22 analysis that complies with subsection 2, paragraph "a" or
1 23 "b", may be made within seventy days of publication of the
1 24 rule.
1 25 b. An agency shall issue a regulatory analysis of a rule
1 26 that complies with subsection 2, paragraph "b", if the rule is
1 27 a proposed rule, or has been adopted without prior notice and
1 28 an opportunity for public participation, if the rule would
1 29 have an adverse impact on small business. A regulatory
1 30 analysis issued pursuant to this paragraph shall be published
1 31 as part of the notice of proposed rule adoption or published
1 32 along with a rule that has been adopted without notice.
1 33 2. a. Except to the extent that a written request for a
1 34 regulatory analysis expressly waives one or more of the
1 35 following, the regulatory analysis must contain all of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2227 - Introduced continued

2 1 following:

2 2 (1) A description of the classes of persons who probably
2 3 will be affected by the proposed rule, including classes that
2 4 will bear the costs of the proposed rule and classes that will
2 5 benefit from the proposed rule.

2 6 (2) A description of the probable quantitative and
2 7 qualitative impact of the proposed rule, economic or
2 8 otherwise, upon affected classes of persons, including a
2 9 description of the nature and amount of all of the different
2 10 kinds of costs that would be incurred in complying with the
2 11 proposed rule.

2 12 (3) The probable costs to the agency and to any other
2 13 agency of the implementation and enforcement of the proposed
2 14 rule and any anticipated effect on state revenues.

2 15 (4) A comparison of the probable costs and benefits of the
2 16 proposed rule to the probable costs and benefits of inaction.

2 17 (5) A determination of whether less costly methods or less
2 18 intrusive methods exist for achieving the purpose of the
2 19 proposed rule.

2 20 (6) A description of any alternative methods for achieving
2 21 the purpose of the proposed rule that were seriously
2 22 considered by the agency and the reasons why they were
2 23 rejected in favor of the proposed rule.

2 24 b. In the case of a rule that would have a substantial
2 25 impact on small business, the regulatory analysis must contain
2 26 a discussion of whether it would be feasible and practicable
2 27 to do any of the following to reduce the impact of the rule on
2 28 small business:

2 29 (1) Establish less stringent compliance or reporting
2 30 requirements in the rule for small business.

2 31 (2) Establish less stringent schedules or deadlines in the
2 32 rule for compliance or reporting requirements for small
2 33 business.

2 34 (3) Consolidate or simplify the rule's compliance or
2 35 reporting requirements for small business.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2227 - Introduced continued

3 1 (4) Establish performance standards to replace design or
3 2 operational standards in the rule for small business.

3 3 (5) Exempt small business from any or all requirements of
3 4 the rule.

3 5 c. The agency shall reduce the impact of a proposed rule
3 6 that would have a ~~substantial~~ an adverse impact on small
3 7 business by using a method discussed in paragraph "b" if the
3 8 agency finds that the method is legal and feasible in meeting
3 9 the statutory objectives which are the basis of the proposed
3 10 rule. For purposes of judicial review, a small business shall
3 11 be deemed to be aggrieved or adversely affected by an agency
3 12 determination that it would not be legal and feasible to
3 13 reduce the impact of a rule.

3 14 3. Each regulatory analysis must include quantifications
3 15 of the data to the extent practicable and must take account of
3 16 both short-term and long-term consequences.

3 17 4. Upon receipt by an agency of a timely request for a
3 18 regulatory analysis, the agency shall extend the period
3 19 specified in this chapter for each of the following until at
3 20 least twenty days after publication in the administrative
3 21 bulletin of a concise summary of the regulatory analysis:

3 22 a. The end of the period during which persons may make
3 23 written submissions on the proposed rule.

3 24 b. The end of the period during which an oral proceeding
3 25 may be requested.

3 26 c. The date of any required oral proceeding on the
3 27 proposed rule.

3 28 In the case of a rule adopted without prior notice and an
3 29 opportunity for public participation in reliance upon section
3 30 17A.4, subsection 2, the summary must be published within
3 31 seventy days of ~~the~~ a request made pursuant to subsection 1,
3 32 paragraph "a".

3 33 5. The published summary of the regulatory analysis issued
3 34 pursuant to subsection 1, paragraph "a", must also indicate
3 35 where persons may obtain copies of the full text of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2227 - Introduced continued

4 1 regulatory analysis and where, when, and how persons may
4 2 present their views on the proposed rule and demand an oral
4 3 proceeding thereon if one is not already provided. Agencies
4 4 shall make available to the public, to the maximum extent
4 5 feasible, the published summary and the full text of the
4 6 regulatory analysis described in this subsection in an
4 7 electronic format, including, but not limited to, access to
4 8 the documents through the internet.

4 9 6. If the agency has made a good faith effort to comply
4 10 with the requirements of subsections 1 through 3, the rule may
4 11 not be invalidated on the ground that the contents of the
4 12 regulatory analysis are insufficient or inaccurate.

4 13 7. For the purpose of this section, "small business" means
4 14 any entity including but not limited to an individual,
4 15 partnership, corporation, joint venture, association, or
4 16 cooperative, to which all of the following apply:

4 17 a. It is not an affiliate or subsidiary of an entity
4 18 dominant in its field of operation.

4 19 b. It has either twenty or fewer full-time equivalent
4 20 positions or less than one million dollars in annual gross
4 21 revenues in the preceding fiscal year.

4 22 For purposes of this definition, "dominant in its field of
4 23 operation" means having more than twenty full-time equivalent
4 24 positions and more than one million dollars in annual gross
4 25 revenues, and "affiliate or subsidiary of an entity dominant
4 26 in its field of operation" means an entity which is at least
4 27 twenty percent owned by an entity dominant in its field of
4 28 operation, or by partners, officers, directors, majority
4 29 stockholders, or their equivalent, of an entity dominant in
4 30 that field of operation.

4 31 8. By July 1, 2012, and every five years thereafter, each
4 32 agency shall review all existing rules under its purview to
4 33 determine whether such rules should be continued without
4 34 change, or should be amended or rescinded, consistent with the
4 35 stated objectives of the applicable statutes, to minimize



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2227 - Introduced continued

5 1 economic impact of the rules on small businesses in a manner
5 2 consistent with the stated objectives of the applicable
5 3 statutes. If the agency determines that completion of the
5 4 review of existing rules is not feasible by July 1, 2012, the
5 5 agency shall publish notice of that finding in the Iowa
5 6 administrative bulletin. The agency may then extend the
5 7 completion date by one year at a time for a total of not more
5 8 than five years. In reviewing rules to minimize the economic
5 9 impact of the rules on small businesses, the agency shall
5 10 consider all of the following factors:
5 11 a. The continued need for the rule.
5 12 b. The nature of complaints or comments received
5 13 concerning the rule from the public.
5 14 c. The complexity of the rule.
5 15 d. The extent to which the rule overlaps, duplicates, or
5 16 conflicts with other federal, state, or local governmental
5 17 statutes or rules.
5 18 e. The length of time since the rule has been evaluated or
5 19 the degree to which technology, economic conditions, or other
5 20 factors have changed in the area affected by the rule.

5 21 EXPLANATION

5 22 Code section 17A.4A sets out a procedure for requesting a
5 23 regulatory analysis for proposed rules or rules adopted
5 24 without notice. This analysis is essentially a cost/benefit
5 25 study identifying the impact of a rule on the affected public
5 26 and, in the case of a rule that would have a substantial
5 27 impact on small business, the regulatory analysis must contain
5 28 a discussion of whether it would be feasible and practicable
5 29 to reduce the impact of the rule on small business.

5 30 This bill requires an analysis on every new rule which has
5 31 an adverse impact on small business and requires the analysis
5 32 to be published in the Iowa administrative bulletin along with
5 33 the new rule. If an agency determines that it would not be
5 34 legal and feasible to reduce the adverse impact on small
5 35 business, a small business would have judicial standing to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2227 - Introduced continued

6 1 challenge that determination in district court.

6 2 The bill also requires a periodic review of all rules to
6 3 minimize the economic impact of the rules on small businesses.
6 4 The initial review must be completed by July 1, 2012, and will
6 5 be repeated every five years. The review must analyze all of
6 6 the following:

6 7 1. The continued need for the rule.

6 8 2. The nature of complaints or comments received.

6 9 3. The complexity of the rule.

6 10 4. Duplication of or conflict with other federal, state,
6 11 or local governmental statutes or rules.

6 12 5. The length of time since the rule has been evaluated or
6 13 the degree to which various factors have changed in the area
6 14 affected by the rule.

6 15 LSB 6039XS 82

6 16 jr/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2228 - Introduced

SENATE FILE

BY OLIVE, JOHNSON, PUTNEY,
FRAISE, and COURTNEY

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act appropriating moneys to support research, development,
2 production, and use of products or coproducts associated with
3 energy production.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5059SS 82
6 da/rj/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2228 - Introduced continued

PAG LIN

1 1 Section 1. Section 469.9, subsection 2, Code Supplement
 1 2 2007, is amended to read as follows:
 1 3 2. The fund shall be used to further the goals of
 1 4 increasing the research, development, production, and use of
 1 5 biofuels, ~~and~~ other sources of renewable energy, and
 1 6 coproducts derived during the production of renewable fuels
 1 7 and other alternative or renewable energy; to improve energy
 1 8 efficiency, ~~and~~; to reduce greenhouse gas emissions; and
 1 9 shall to encourage, support, and provide for research,
 1 10 development, commercialization, and the implementation of
 1 11 energy technologies and practices. The technologies and
 1 12 practices should reduce this state's dependence on foreign
 1 13 sources of energy and fossil fuels. The research,
 1 14 development, commercialization, implementation, and
 1 15 distribution of such technologies and practices are intended
 1 16 to sustain the environment and develop business in this state
 1 17 as Iowans market these technologies and practices to the
 1 18 world.

1 19 Sec. 2. DISTILLERS PRODUCTS. There is appropriated from
 1 20 the general fund of the state to Iowa state university for the
 1 21 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 1 22 the following amounts, or so much thereof as is necessary, to
 1 23 be used for the purposes designated:

- 1 24 1. For purposes of supporting research to improve
 1 25 distillers products derived from dry grinding ethanol
 1 26 production for livestock feed, including salaries, support,
 1 27 maintenance, miscellaneous purposes, and for not more than the
 1 28 following full-time equivalent positions:
- | | | |
|--|------|---------|
| 1 29 a. For two faculty positions supporting research: | | |
| 1 30 | \$ | 210,000 |
| 1 31 | FTEs | 2.00 |
| 1 32 b. For staff and research support: | | |
| 1 33 | \$ | 160,000 |
| 1 34 | FTEs | 4.00 |
| 1 35 c. For contracting with research students: | | |



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate File 2228 - Introduced continued

2 1 \$ 398,000
 2 2 2. The moneys appropriated in this section shall be used
 2 3 by the college of agriculture and life sciences and the
 2 4 college of veterinary medicine to conduct research to improve
 2 5 the processing and use of all forms of distillers products fed
 2 6 to beef cattle, dairy cattle, swine, and layer hens.

EXPLANATION

2 7
 2 8 This bill provides for research and also development,
 2 9 production, and use of products or coproducts associated with
 2 10 energy production, such as ethanol production.

2 11 The bill amends Code section 469.9 establishing the Iowa
 2 12 power fund which in part is to be used to further efforts to
 2 13 expand the production of renewable energy in this state. The
 2 14 bill provides that the fund may also be used to expand the
 2 15 production of related coproducts derived during the production
 2 16 of renewable fuels and other alternative or renewable energy.

2 17 The bill appropriates moneys to Iowa state university for
 2 18 purposes of supporting research to improve the processing and
 2 19 use of distillers products derived from dry grinding ethanol
 2 20 production after the removal of ethyl alcohol by distillation
 2 21 (e.g., condensed distillers solubles, and a wet, semidried, or
 2 22 dried form of distillers grains which is often blended with
 2 23 condensed distillers solubles). The moneys are to be used by
 2 24 the college of agriculture and life sciences and the college
 2 25 of veterinary medicine to conduct research to improve the
 2 26 processing and use of all forms of distillers products fed to
 2 27 beef cattle, dairy cattle, swine, and layer hens.

2 28 LSB 5059SS 82
 2 29 da/rj/8.3



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2229 - Introduced

SENATE FILE

BY ZAUN, MCKINLEY, WARD,
HOUSER, BOETTGER, ZIEMAN,
PUTNEY, KETTERING, HAHN,
and HARTSUCH

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act prohibiting state agencies from engaging in political
- 2 advertising.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6098SS 82
- 5 jr/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate File 2229 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.506 POLITICAL ADVERTISEMENTS
1 2 BY THE STATE PROHIBITED.

1 3 A state agency shall not engage, directly or indirectly, in
1 4 any advertisement, public service announcement, or other
1 5 public communication that does any of the following:

1 6 1. Refers to a clearly identified candidate for public
1 7 office and has the effect of encouraging or discouraging the
1 8 election or defeat of the candidate.

1 9 2. Has the effect of encouraging or discouraging the
1 10 passage or defeat of a clearly identified ballot issue.

1 11 EXPLANATION

1 12 This bill prohibits a state agency from engaging in any
1 13 type of advertisement or public communication that either
1 14 encourages or discourages the election or defeat of a
1 15 candidate for public office, or either encourages or
1 16 discourages the passage or defeat of a ballot issue.

1 17 LSB 6098SS 82

1 18 jr/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3217

SENATE JOINT RESOLUTION
BY (PROPOSED COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT
RESOLUTION BY CHAIRPERSON BLACK)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa to use a portion of state revenue from the
3 tax imposed on the retail sales of tangible personal property
4 and services for the benefit of the state's natural resources.
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 6469XC 82
7 da/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3217 continued

PAG LIN

1 1 Section. 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:

1 3 Article VII of the Constitution of the State of Iowa is
1 4 amended by adding the following new section:

1 5 NATURAL RESOURCES. SEC. 10. Of the revenue collected by
1 6 this State from the sales tax imposed upon the retail sales of
1 7 tangible personal property and the furnishing of enumerated
1 8 services and from the use tax imposed upon the retail sale of
1 9 tangible personal property and enumerated services sold for
1 10 use in this State and used in this State, an amount equal to
1 11 the amount generated by a tax rate of three-eighths of one
1 12 percent shall be used exclusively for purposes of acquiring,
1 13 managing, reserving, improving, restoring, or conserving this
1 14 State's lands and waters, including lands and fixtures
1 15 acquired, held, or used for purposes related to outdoor
1 16 recreation, natural habitat, and agriculture. In computing
1 17 the revenue collected, a reduction shall be made for any
1 18 refund of sales or use tax made. The general assembly may
1 19 provide by law for the implementation of this section.

1 20 Sec. 2. REFERRAL AND PUBLICATION. The forgoing proposed
1 21 amendment to the Constitution of the State of Iowa is referred
1 22 to the General Assembly to be chosen at the next general
1 23 election for members of the General Assembly and the Secretary
1 24 of State is directed to cause it to be published for three
1 25 consecutive months before the date of the election as provided
1 26 by law.

1 27 EXPLANATION

1 28 This joint resolution proposes an amendment to the
1 29 Constitution of the State of Iowa to restrict the use of a
1 30 portion of state sales, service, and use tax revenue for the
1 31 benefit of the state's natural resources. The joint
1 32 resolution provides that the revenue collected from a tax rate
1 33 of three-eighths of one percent from those taxes must be used
1 34 exclusively for purposes of acquiring, managing, reserving,
1 35 improving, restoring, or conserving this state's lands and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3217 continued

2 1 waters, including lands and fixtures acquired, held, or used
2 2 for purposes related to outdoor recreation, natural habitat,
2 3 and agriculture. The general assembly is authorized to
2 4 implement the amendment by law.
2 5 The proposed amendment to the Constitution of the State of
2 6 Iowa, if adopted, would be referred to the Eighty-third
2 7 General Assembly for adoption a second time, before being
2 8 submitted to the electorate for ratification.
2 9 LSB 6469XC 82
2 10 da/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3218

SENATE FILE
BY (PROPOSED COMMITTEE ON
LABOR AND BUSINESS
RELATIONS BILL BY
CHAIRPERSON DEARDEN)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to workers' compensation provisions for continued
- 2 medically related benefits in certain settlements of workers'
- 3 compensation claims and to funding of the second injury fund
- 4 and providing an effective date.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 6043XC 82
- 7 av/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3218 continued

PAG LIN

1 1 Section 1. Section 85.35, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5A. The parties to any settlement made
1 4 pursuant to this section may agree that the employee has the
1 5 right to benefits pursuant to section 85.27 under such terms
1 6 and conditions as agreed to by the parties in the settlement,
1 7 for a specified period of time after the settlement has been
1 8 approved by the workers' compensation commissioner. During
1 9 that specified period of time, the commissioner shall have
1 10 jurisdiction of the settlement for the purpose of adjudicating
1 11 the employee's entitlement to benefits provided for in section
1 12 85.27 as agreed upon in the settlement.
1 13 Sec. 2. Section 85.65A, subsection 5, Code 2007, is
1 14 amended by striking the subsection.
1 15 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
1 16 immediate importance, takes effect upon enactment.
1 17 EXPLANATION
1 18 This bill relates to provisions for continued medically
1 19 related benefits in certain settlements of workers'
1 20 compensation claims.
1 21 The bill amends Code section 85.35 by allowing parties to a
1 22 settlement for workers' compensation benefits to agree that
1 23 the employee has the right to medically related benefits
1 24 pursuant to Code section 85.27 under such terms and conditions
1 25 as agreed to by the parties in the settlement, for a specified
1 26 period of time after the settlement has been approved by the
1 27 workers' compensation commissioner. During the specified
1 28 period of time, the workers' compensation commissioner retains
1 29 jurisdiction of the settlement for the purpose of adjudicating
1 30 the employee's entitlement to the medically related benefits,
1 31 as agreed upon in the settlement.
1 32 The bill strikes Code section 85.65A(5) which repeals this
1 33 section on July 1, 2008. Code section 85.65A allows
1 34 imposition of a surcharge on employers to fund the workers'
1 35 compensation second injury fund. The bill is effective upon



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3218 continued

- 2 1 enactment.
- 2 2 LSB 6043XC 82
- 2 3 av/rj/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3219

SENATE FILE
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON COURTNEY)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the distribution and permissible expenditures
- 2 of moneys deposited in the wireless E911 emergency
- 3 communications fund.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6276XC 82
- 6 md/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3219 continued

PAG LIN

1 1 Section 1. Section 34A.7A, subsection 2, paragraphs f and
1 2 g, Code Supplement 2007, are amended to read as follows:

1 3 f. (1) The program manager shall allocate an amount up to
1 4 one hundred fifty-nine thousand dollars per calendar quarter
1 5 equally to the joint E911 service boards and the department of
1 6 public safety that have submitted an annual written request to
1 7 the program manager in a form approved by the program manager
1 8 by May 15 of each year. The program manager shall allocate to
1 9 each joint E911 service board and to the department of public
1 10 safety a minimum of one thousand dollars per calendar quarter
1 11 for each public safety answering point within the service area
1 12 of the department of public safety or joint E911 service
1 13 board.

1 14 (2) Upon retirement of outstanding obligations referred to
1 15 in paragraph "e", the amount allocated under this paragraph
1 16 "f" shall be ~~twenty-five~~ thirty percent of the total amount of
1 17 surcharge generated per calendar quarter allocated as follows:

1 18 (a) Sixty-five percent of the total dollars available for
1 19 allocation shall be allocated in proportion to the square
1 20 miles of the service area to the total square miles in this
1 21 state.

1 22 (b) Thirty-five percent of the total dollars available for
1 23 allocation shall be allocated in proportion to the wireless
1 24 E911 calls taken at the public safety answering point in the
1 25 service area to the total number of wireless E911 calls
1 26 originating in this state.

1 27 (c) Notwithstanding subparagraph subdivisions (a) and (b),
1 28 the minimum amount allocated to each joint E911 service board
1 29 and to the department of public safety shall be no less than
1 30 one thousand dollars for each public safety answering point
1 31 within the service area of the department of public safety or
1 32 joint E911 service board.

1 33 (3) The funds allocated in this paragraph "f" shall be
1 34 used for ~~communication~~ equipment located inside the public
~~1 35 safety answering points for the implementation and maintenance~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

~~Senate Study Bill 3219 continued~~

~~2 1 of wireless E911 phase 2. The joint E911 service boards and
2 2 the department of public safety shall provide an estimate of
2 3 phase 2 implementation costs to the program manager by January
2 4 1, 2005 related to receipt and disposition of E911 calls and
2 5 for recurring and nonrecurring costs specified in section
2 6 34A.2, subsection 7, paragraph "e".~~

2 7 g. If moneys remain in the fund after fully paying all
2 8 obligations under paragraphs "a" through "f", the remainder
2 9 may be accumulated in the fund as a carryover operating
2 10 surplus. This surplus shall be used to fund future phase 2
2 11 network ~~and improvements~~, public safety answering point
2 12 ~~improvements~~ equipment related to the receipt and disposition
2 13 of E911 calls, and wireless carriers' transport costs related
2 14 to wireless E911 services, if those transport costs are not
2 15 otherwise recovered by wireless carriers through customer
2 16 billing or other sources and approved by the program manager,
2 17 and for recurring and nonrecurring costs specified in section
2 18 34A.2, subsection 7, paragraph "e". Notwithstanding section
2 19 8.33, any moneys remaining in the fund at the end of each
2 20 fiscal year shall not revert to the general fund of the state
2 21 but shall remain available for the purposes of the fund.

2 22 EXPLANATION

2 23 This bill increases the percentage of moneys allocated by
2 24 the E911 program manager to the joint E911 service boards and
2 25 the department of public safety from the wireless E911
2 26 emergency communications fund from 25 percent to 30 percent of
2 27 the total amount of the wireless surcharge generated per
2 28 calendar quarter. The bill specifies that moneys allocated to
2 29 the E911 service boards and the department of public safety
2 30 shall be used for equipment related to receipt and disposition
2 31 of E911 calls and for the recurring and nonrecurring costs
2 32 specified in Code section 34A.2(7)(e).

2 33 Currently, moneys remaining in the wireless E911 emergency
2 34 communications fund are used as a carryover operating surplus.
2 35 The bill specifies that this surplus may be used for



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3219 continued

- 3 1 expenditures for equipment related to the receipt and
- 3 2 disposition of E911 calls and for the recurring and
- 3 3 nonrecurring costs specified in Code section 34A.2(7)(e).
- 3 4 LSB 6276XC 82
- 3 5 md/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3220

SENATE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON FRAISE)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for reporting regarding commercial feed
- 2 coproducts by biorefineries, and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6492XC 82
- 5 da/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3220 continued

PAG LIN

1 1 Section 1. NEW SECTION. 198A.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Biodiesel" means the same as defined in section
1 5 214A.1.
1 6 2. "Biofuel" means the same as defined in section 214A.1.
1 7 3. "Biomass" means the same as defined in section 469.31.
1 8 4. "Biorefinery" means a facility that processes and
1 9 converts biomass into a value-added product which may include
1 10 a biofuel and a commercial feed coproduct.
1 11 5. "Commercial feed" means commercial feed regulated by
1 12 the department pursuant to chapter 198.
1 13 6. "Commercial feed coproduct" means a coproduct derived
1 14 from material that remains after the removal of ethanol or oil
1 15 during the manufacture of biofuel, if the material is used or
1 16 further processed for commercial feed, including but not
1 17 limited to any form of distillers grain processed from corn as
1 18 part of a wet milling or dry grinding operation or seed meal
1 19 or cake produced from crushed soybeans.
1 20 7. "Coproduct" means a material other than biofuel
1 21 produced by a biorefinery.
1 22 8. "Department" means the department of agriculture and
1 23 land stewardship.
1 24 9. "Ethanol" means the same as defined in section 214A.1.
1 25 10. "Report" means a commercial feed coproduct report as
1 26 provided in section 198A.3.
1 27 Sec. 2. NEW SECTION. 198A.2 DEPARTMENTAL RULES.
1 28 The department shall adopt rules necessary to administer
1 29 this chapter. The rules shall include a designation of major
1 30 classes of commercial feed coproducts produced by
1 31 biorefineries in this state. The department's classifications
1 32 may be based on those recognized by the American feed industry
1 33 association.
1 34 Sec. 3. NEW SECTION. 198A.3 REPORTING REQUIREMENTS.
1 35 A biorefinery shall file a commercial feed coproduct report



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3220 continued

2 1 with the department.
2 2 1. The department shall provide separate reporting
2 3 requirements for biorefineries that produce ethanol and
2 4 biorefineries that produce biodiesel. The report shall be
2 5 completed and submitted to the department in a manner
2 6 prescribed by the department. The department may require that
2 7 a report be filed in an electronic format. A biorefinery
2 8 shall file and submit a report at times determined practicable
2 9 by the department, but not later than each ninety days.
2 10 2. A report shall include all of the following:
2 11 a. The amount of commercial feed coproduct that the
2 12 biorefinery produced in the previous ninety days and the
2 13 estimated amount of commercial feed coproduct that the
2 14 biorefinery expects to produce in the next ninety days.
2 15 b. The number of tons of commercial feed coproduct that
2 16 the biorefinery transported by rail or barge in the previous
2 17 ninety days and number of tons of commercial feed coproduct
2 18 that the biorefinery expects to transport by rail or barge in
2 19 the next ninety days.
2 20 c. For each major class of commercial feed coproduct, all
2 21 of the following:
2 22 (1) The total number of tons that the biorefinery has
2 23 produced in the previous ninety days. For that period, the
2 24 report shall include all of the following:
2 25 (a) The moisture content, which may be expressed as a
2 26 range within limits established by departmental rules.
2 27 (b) The percentage recommended to be included in a diet
2 28 for beef cattle, dairy cattle, swine, or poultry, based on
2 29 recommendations of Iowa state university.
2 30 (c) The total number of tons purchased at the biorefinery
2 31 or delivered within this state.
2 32 (d) The minimum number of tons that were available to be
2 33 purchased at the biorefinery or delivered within this state.
2 34 (2) The total number of tons that the biorefinery expects
2 35 to produce in the next ninety days. For that period, the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3220 continued

3 1 report shall include all of the following:
3 2 (a) An estimate of the moisture content, which may be
3 3 expressed as a range within limits established by departmental
3 4 rules.
3 5 (b) The percentage recommended to be included in a diet
3 6 for beef cattle, dairy cattle, swine, or poultry, based on
3 7 recommendations of Iowa state university.
3 8 (c) An estimate of the total number of tons available to
3 9 be purchased at the biorefinery or delivered within this
3 10 state.
3 11 (d) An estimate of the minimum number of tons available to
3 12 be purchased at the biorefinery or delivered within this
3 13 state.
3 14 Sec. 4. NEW SECTION. 198A.4 PUBLICATION.
3 15 1. Except as provided in subsection 2, the department
3 16 shall publish commercial feed coproduct reports in an
3 17 electronic format on the department's internet web site.
3 18 2. Reported information regarding the estimated number of
3 19 tons of commercial feed coproduct that a biorefinery
3 20 transported by rail or barge in the previous ninety days and
3 21 expects to transport by rail or barge in the next ninety days
3 22 is confidential and is not a public record subject to chapter
3 23 22. The department shall aggregate such data in a manner that
3 24 does not disclose the identity of the biorefinery.
3 25 3. The department may compile the information contained in
3 26 the reports in a format that best assists purchasers of
3 27 commercial feed coproducts who reside within this state.
3 28 Sec. 5. NEW SECTION. 198A.5 EXCEPTION.
3 29 This chapter does not apply to a biorefinery which produces
3 30 less than thirty thousand tons of commercial feed coproduct
3 31 for sale during a year.
3 32 Sec. 6. NEW SECTION. 198A.6 CIVIL PENALTY.
3 33 The department shall establish, assess, and collect a civil
3 34 penalty for a violation of this chapter. A person who
3 35 violates this chapter is subject to a civil penalty of not



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3220 continued

4 1 more than one thousand dollars. Each day that a violation
4 2 exists is considered a separate violation.

4 3 EXPLANATION

4 4 This bill provides for coproducts manufactured by a
4 5 biorefinery during the production of ethanol or biodiesel
4 6 which may be used as livestock feed, referred to in the bill
4 7 as a "commercial feed coproduct" and which is regulated by the
4 8 department of agriculture and land stewardship under Code
4 9 chapter 198.

4 10 The bill provides that a biorefinery is required to file a
4 11 commercial feed coproduct report with the department each
4 12 ninety days. The report must include information about
4 13 commercial feed coproducts that the biorefinery produced or
4 14 transported in the previous 90 days and the estimated amount
4 15 of commercial feed coproducts that the biorefinery expects to
4 16 produce or transport in the next 90 days. The bill provides
4 17 that the information must be divided according to class of
4 18 commercial feed as provided by departmental rule, and include
4 19 information regarding the amount produced or expected to be
4 20 produced, its moisture content, the percentage recommended to
4 21 be included in a livestock diet according to species, the
4 22 amount purchased or expected to be purchased at the
4 23 biorefinery or by delivery within this state, and the minimum
4 24 amount available for purchase or expected to be available for
4 25 purchase.

4 26 The department is required to publish information contained
4 27 in a report on its internet web site. However, information
4 28 regarding the estimated number of tons of commercial feed
4 29 coproduct that a biorefinery transported by rail or barge in
4 30 the last 90 days and expects to transport by rail or barge in
4 31 the next 90 days is confidential and shall only be published
4 32 in the aggregate.

4 33 The bill provides an exception for reporting by a
4 34 biorefinery that produces less than 30,000 tons of commercial
4 35 feed coproduct for sale during a year.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3220 continued

5 1 A person who violates the reporting requirements is subject
5 2 to a civil penalty of not more than \$1,000.
5 3 LSB 6492XC 82
5 4 da/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3221

SENATE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON FRAISE)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the management of cooperative associations.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 6447SC 82
- 4 da/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3221 continued

PAG LIN

1 1 Section 1. NEW SECTION. 499.36A STANDARDS OF CONDUCT FOR
1 2 DIRECTORS.

1 3 1. A director shall discharge the duties of the position
1 4 of director in good faith, in a manner the director reasonably
1 5 believes to be in the best interests of the association, and
1 6 with the care an ordinarily prudent person in a like position
1 7 would exercise under similar circumstances. A person who so
1 8 performs those duties is not liable by reason of being or
1 9 having been a director of the cooperative.

1 10 2. a. A director is entitled to rely on information,
1 11 opinions, reports, or statements, including financial
1 12 statements and other financial data, in each case prepared or
1 13 presented by any of the following:

1 14 (1) One or more officers or employees of the association
1 15 whom the director reasonably believes to be reliable and
1 16 competent in the matters presented.

1 17 (2) Legal counsel, public accountants, or other persons as
1 18 to matters that the director reasonably believes are within
1 19 the person's professional or expert competence.

1 20 (3) A committee of the board upon which the director does
1 21 not serve, duly established by the board as to matters within
1 22 its designated authority, if the director reasonably believes
1 23 the committee to merit confidence.

1 24 b. Paragraph "a" does not apply to a director who has
1 25 knowledge concerning the matter in question that makes the
1 26 reliance otherwise permitted by that paragraph unwarranted.

1 27 3. A director who is present at a meeting of the board
1 28 when an action is approved by the affirmative vote of a
1 29 majority of the directors present is presumed to have assented
1 30 to the action approved, unless any of the following applies:

1 31 a. The director objects at the beginning of the meeting to
1 32 the transaction of business because the meeting is not
1 33 lawfully called or convened, and does not participate in the
1 34 meeting after the objection, in which case the director is not
1 35 considered to be present at the meeting for any purpose of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3221 continued

2 1 this chapter.

2 2 b. The director votes against the action at the meeting.

2 3 c. The director is prohibited by a conflict of interest
2 4 from voting on the action.

2 5 4. In discharging the duties of a director, the director
2 6 may, in addition to consideration of the effects of any action
2 7 on the association and its members, consider any or all of the
2 8 following community interest factors:

2 9 a. The effects of the action on the association's
2 10 employees, suppliers, creditors, and customers.

2 11 b. The interests of and effects on communities and the
2 12 cooperative system in which the association and its members
2 13 operate.

2 14 c. The long-term as well as short-term interests of the
2 15 association and its members, including the possibility that
2 16 these interests may be best served by the continued
2 17 independence of the association.

2 18 Sec. 2. NEW SECTION. 499.37A STANDARDS OF CONDUCT FOR
2 19 OFFICERS.

2 20 1. An officer, when performing in such capacity, shall act
2 21 in conformity with all of the following:

2 22 a. In good faith.

2 23 b. With the care that a person in a like position would
2 24 reasonably exercise under similar circumstances.

2 25 c. In a manner the officer reasonably believes to be in
2 26 the best interests of the association.

2 27 2. In discharging the officer's duties, an officer who
2 28 does not have knowledge that makes such reliance unwarranted
2 29 is entitled to rely on any of the following:

2 30 a. The performance of properly delegated responsibilities
2 31 by one or more employees of the association whom the officer
2 32 reasonably believes to be reliable and competent in performing
2 33 the responsibilities delegated.

2 34 b. Information, opinions, reports, or statements,
2 35 including financial statements and other financial data,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3221 continued

3 1 prepared or presented by one or more employees of the
3 2 association whom the officer reasonably believes to be
3 3 reliable and competent in the matters presented.

3 4 c. Legal counsel, public accountants, or other persons
3 5 retained by the association as to matters involving skills or
3 6 expertise the officer reasonably believes are matters within
3 7 the particular person's professional or expert competence or
3 8 as to which the particular person merits confidence.

3 9 3. An officer shall not be liable as an officer to the
3 10 association or its members for any decision to take or not to
3 11 take action, or any failure to take any action, if the duties
3 12 of the officer are performed in compliance with this section.
3 13 Whether an officer who does not comply with this section is
3 14 liable depends in such instance on applicable law, including
3 15 those principles of section 499.36A that have relevance.

3 16 Sec. 3. Section 499.47B, subsections 1 and 3, Code 2007,
3 17 are amended to read as follows:

3 18 1. The board of directors shall adopt a resolution
3 19 recommending the sale, lease, exchange, or other disposition
3 20 and directing the submission thereof to a vote at a meeting of
3 21 the membership, which may either be an annual or a special
3 22 meeting. The board of directors may condition its
3 23 recommendation and submission of the sale, lease, exchange, or
3 24 other disposition to the members for approval under this
3 25 section on any basis.

3 26 3. At the meeting the membership may authorize the sale,
3 27 lease, exchange, or other disposition and may fix, or may
3 28 authorize the board of directors to fix, any or all of the
3 29 terms and conditions thereof and the consideration to be
3 30 received by the cooperative association. Such authorization
3 31 ~~shall~~ for the sale, lease, exchange, or other disposition
3 32 shall be approved by the members as follows:

3 33 a. Except as provided in paragraph "b", the sale, lease,
3 34 exchange, or other disposition must be approved if by a
3 35 two-thirds vote of the members ~~vote affirmatively~~ on a ballot



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3221 continued

4 1 in which a majority of all voting members participate.

4 2 b. (1) If the cooperative association's articles of
4 3 incorporation require approval by more than two-thirds of its
4 4 members on a ballot in which a majority of all voting members
4 5 participate, the sale, lease, exchange, or other disposition
4 6 must be approved by the greater number as provided in the
4 7 articles of incorporation.

4 8 (2) If the board of directors adopts additional conditions
4 9 for the approval of the sale, lease, exchange, or other
4 10 disposition as provided in subsection 1, the additional
4 11 conditions must be satisfied in order for the sale, lease,
4 12 exchange, or other disposition to be approved.

4 13 Sec. 4. NEW SECTION. 499.47D CONSIDERATION OF
4 14 ACQUISITION PROPOSALS == COMMUNITY INTERESTS.

4 15 1. A director, in determining what is in the best interest
4 16 of the association when considering a tender offer or proposal
4 17 of acquisition, proposal of merger, proposal of consolidation,
4 18 or similar proposal, may, in addition to consideration of the
4 19 effects of any action on the association and its members,
4 20 consider any or all of the community interest factors
4 21 described in section 499.36A.

4 22 2. If on the basis of the community interest factors
4 23 described in section 499.36A, the board of directors
4 24 determines that a tender offer or proposal to acquire, merge,
4 25 or consolidate the association or any similar proposal is not
4 26 in the best interests of the association, it may reject the
4 27 tender offer or proposal. If the board of directors rejects
4 28 any such tender offer or proposal, the board of directors has
4 29 no obligation to facilitate, to remove any barriers to, or to
4 30 refrain from impeding the tender offer or proposal.
4 31 Consideration of any or all of the community interest factors
4 32 is not a violation of the business judgment rule or of any
4 33 duty of the director to the members, or a group of members,
4 34 even if the director reasonably determines that a community
4 35 interest factor or factors outweigh the financial or other



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3221 continued

5 1 benefits to the association or a member or group of members.

5 2 Sec. 5. Section 499.64, Code 2007, is amended to read as
5 3 follows:

5 4 499.64 VOTE OF MEMBERS.

5 5 1. The board of directors of a cooperative association,
5 6 upon ~~approving~~ recommending a plan of merger or consolidation
5 7 be approved by the members, shall, by motion or resolution,
5 8 direct that the plan be submitted to a vote at a meeting of
5 9 members, which may be either an annual or special meeting.

5 10 The board of directors may condition its recommendation and
5 11 submission of a plan of merger or consolidation to the members
5 12 for approval under this section on any basis. Written notice
5 13 shall be given not less than twenty days prior to the meeting,
5 14 either personally or by mail to each voting member and
5 15 shareholder of record. The notice shall state the time,
5 16 place, and purpose of the meeting, and a summary of the plan
5 17 of merger or consolidation shall be included in or enclosed
5 18 with the notice.

5 19 2. At the meeting, a ballot of the members who are
5 20 entitled to vote in the affairs of the association shall be
5 21 taken on the proposed plan of merger or consolidation. The
5 22 plan of merger or consolidation shall be approved ~~if~~ as
5 23 follows:

5 24 a. Except as provided in paragraph "b", the proposed plan
5 25 of merger or consolidation must be approved by a two-thirds
5 26 ~~vote of the members~~ vote affirmatively on a ballot in which a
5 27 majority of all voting members participate.

5 28 b. (1) If the cooperative association's articles of
5 29 incorporation require approval by more than two-thirds of its
5 30 members on a ballot in which a majority of all voting members
5 31 participate, the proposed plan of merger or consolidation must
5 32 be approved by the greater number as provided in the articles
5 33 of incorporation.

5 34 (2) If the board of directors adopts additional conditions
5 35 for the approval of the plan of merger or consolidation as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3221 continued

6 1 provided in subsection 1, the additional conditions must be
6 2 satisfied in order for the plan of merger or consolidation to
6 3 be approved.

6 4 3. Voting by members may be by mail ballot notwithstanding
6 5 any contrary provision in the articles of incorporation or
6 6 bylaws.

6 7 EXPLANATION

6 8 This bill amends a number of provisions related to the
6 9 management of a cooperative association (association).

6 10 STANDARDS FOR CONDUCT BY BOARD MEMBERS. The bill provides
6 11 for the standard of conduct for an association's board of
6 12 directors. Generally, the standard is one of good faith and
6 13 reasonableness and allows a director to base a decision upon
6 14 information normally considered reliable (competent persons,
6 15 professionals, or designated committees). The bill
6 16 establishes procedures for a director's approval of board
6 17 decisions. It also provides that in making a decision, the
6 18 director may consider so-called community interest factors
6 19 which include: (1) the effects of the action on the
6 20 association's employees, suppliers, creditors, and customers,
6 21 (2) the interests of and effects on communities and the
6 22 cooperative system in which the cooperative and its members
6 23 operate, and (3) the long-term as well as short-term interests
6 24 of the association and its members.

6 25 STANDARD OF CONDUCT BY OFFICERS. The bill provides a
6 26 standard of conduct for an association's officers. Generally,
6 27 the standard is one of good faith using ordinary care and in a
6 28 manner that the officer reasonably believes is in the
6 29 association's best interest. The officer is entitled to rely
6 30 upon persons who the officer has reason to believe are
6 31 reliable and competent, information prepared by such persons,
6 32 and professionals. The bill provides that an officer is not
6 33 liable for actions which are performed on the basis of these
6 34 standards of care.

6 35 SALE OF OR OTHER DISPOSITION OF ASSETS OTHER THAN IN THE



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3221 continued

7 1 REGULAR COURSE OF BUSINESS. The bill amends provisions which
7 2 allow a board of directors to adopt a resolution for vote by
7 3 the association's membership for the sale, lease, exchange, or
7 4 other disposition of all or substantially all of the
7 5 association's assets. The bill allows the board to condition
7 6 its recommendation upon any basis. The bill also accounts for
7 7 the voting on the measure by the members. Under current law
7 8 the members must approve the disposition by a two-thirds
7 9 majority. The bill provides that the association's articles
7 10 of incorporation may require the vote be by a greater than
7 11 two-thirds majority.

7 12 CONSIDERATION OF ACQUISITION PROPOSALS. The bill provides
7 13 that the board of directors when determining whether to
7 14 recommend an acquisition proposal, including a merger or
7 15 consolidation proposal, may consider community interest
7 16 factors, and may reject the proposal if the board determines
7 17 that it is not in the best interests of the association.

7 18 The bill provides that the board of directors may condition
7 19 its recommendation to approve a merger or consolidation to the
7 20 members on any basis. Generally, the members must approve the
7 21 board's recommendation by a two-thirds majority vote in the
7 22 same way in which a proposal to dispose of all of the
7 23 association's assets must be approved by a super-majority.
7 24 The bill also provides that the association's articles of
7 25 incorporation may require the vote be by a greater than
7 26 two-thirds majority.

7 27 LSB 6447SC 82

7 28 da/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3222

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON QUIRMBACH)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act providing volunteer fire fighters and emergency medical
2 services personnel with an individual income tax credit and
3 including effective and applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6511XC 82
6 mg/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3222 continued

PAG LIN

1 1 Section 1. Section 422.12, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 2A. a. A volunteer fire fighter and
1 4 volunteer emergency medical services personnel credit equal to
1 5 the amount specified in paragraph "b" to compensate the
1 6 taxpayer for the voluntary services.
1 7 b. The amount of the credit is equal to the following:
1 8 (1) For tax years beginning in the 2010 calendar year,
1 9 twenty=five dollars.
1 10 (2) For tax years beginning in the 2011 calendar year,
1 11 fifty dollars.
1 12 (3) For tax years beginning in the 2012 calendar year,
1 13 seventy=five dollars.
1 14 (4) For tax years beginning in the 2013 and subsequent
1 15 calendar years, one hundred dollars.
1 16 However, if the taxpayer is not a volunteer fire fighter or
1 17 volunteer emergency medical services personnel for the entire
1 18 tax year, the amount of the dollar credit shall be prorated
1 19 and the amount of credit shall equal the maximum amount of
1 20 credit for the tax year, divided by twelve, multiplied by the
1 21 number of months in the tax year the taxpayer was a volunteer.
1 22 The credit shall be rounded to the nearest five dollars. If
1 23 the taxpayer is a volunteer during any part of a month, the
1 24 taxpayer shall be considered a volunteer for the entire month.
1 25 If the taxpayer is a volunteer fire fighter and a volunteer
1 26 emergency medical services personnel during the same month, a
1 27 credit may be claimed for only one volunteer position for that
1 28 month.
1 29 c. The taxpayer is required to have a written statement
1 30 from the fire chief or other appropriate supervisor verifying
1 31 that the taxpayer was a volunteer fire fighter or volunteer
1 32 emergency medical services personnel for the months for which
1 33 the credit under this subsection is claimed.
1 34 d. For purposes of this subsection:
1 35 (1) "Emergency medical services personnel" means an



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3222 continued

2 1 emergency medical care provider, as defined in section 147A.1,
2 2 who is certified as a first responder pursuant to chapter
2 3 147A.

2 4 (2) "Volunteer fire fighter" means a volunteer fire
2 5 fighter as defined in section 85.61 who has met the minimum
2 6 training standards established by the fire service training
2 7 bureau pursuant to chapter 100B.

2 8 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act takes
2 9 effect January 1, 2010, for tax years beginning on or after
2 10 that date.

2 11 EXPLANATION

2 12 This bill provides an individual income tax credit for an
2 13 individual who was a volunteer fire fighter who has met the
2 14 minimum training standards or certified volunteer emergency
2 15 services personnel for the entire tax year. The credit is to
2 16 compensate the individual for the volunteer services. The
2 17 amount of the credit equals \$25 for the 2010 tax year and
2 18 increases by \$25 for each subsequent tax year until the credit
2 19 equals \$100. If the individual was not a volunteer for the
2 20 entire tax year, the amount of credit is prorated based upon
2 21 the months of volunteer service. A credit may be claimed for
2 22 only one volunteer position per month.

2 23 The bill takes effect January 1, 2010, for tax years
2 24 beginning on or after that date.

2 25 LSB 6511XC 82

2 26 mg/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3223

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to indemnity provisions in construction
- 2 contracts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6523SC 82
- 5 ak/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3223 continued

PAG LIN

1 1 Section 1. NEW SECTION. 537A.5 INDEMNITY AGREEMENTS ==
1 2 CONSTRUCTION CONTRACTS.
1 3 1. As used in this section:
1 4 a. "Construction contract" means a public, private,
1 5 foreign, or domestic contract or agreement relating to the
1 6 construction, alteration, repair, or maintenance of any real
1 7 property in this state and includes agreements for
1 8 architectural services, demolition, design services,
1 9 development, engineering services, excavation, or other
1 10 improvement relating to real property, including buildings,
1 11 shafts, wells, and structures, whether on, above, or
1 12 underground.
1 13 b. "Indemnify" or "hold harmless" includes any requirement
1 14 to name the indemnified party as an additional insured in the
1 15 indemnitor's insurance coverage.
1 16 c. "Lower=tier party" means a party to the contract that
1 17 acts as a subcontractor, specialty contractor, or supplier.
1 18 d. "Upper=tier party" means a party to the contract that
1 19 acts as a general contractor.
1 20 2. A provision in a construction contract that requires
1 21 one party to the contract to indemnify, hold harmless, insure,
1 22 or defend the other party to the contract, including the other
1 23 party's officers, employees, or agents, against liability,
1 24 claims, damages, losses, or expenses, including attorney fees,
1 25 arising out of bodily injury to persons or damage to property
1 26 caused by or resulting from, in whole or in part, the
1 27 negligence, act, or omission of the indemnitee or the
1 28 officers, employees, or agents of the indemnitee, is void and
1 29 unenforceable as against the public policy of this state.
1 30 3. A construction contract may contain a provision and
1 31 shall be enforced only to the extent that the contract
1 32 requires either of the following:
1 33 a. One party to the contract to indemnify, hold harmless,
1 34 or insure the other party to the contract, including the other
1 35 party's officers, employees, or agents, against liability,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3223 continued

2 1 claims, damages, losses, or expenses, including attorney fees,
2 2 only to the extent that the liability, claims, damages,
2 3 losses, or expenses are caused by, or arise out of, the acts
2 4 or omissions of the indemnitor or the officers, employees, or
2 5 agents of the indemnitor.

2 6 b. A party to the contract to purchase a project-specific
2 7 insurance policy, including an owner's or contractor's
2 8 protective insurance, project management protective liability
2 9 insurance, or builder's risk insurance.

2 10 4. This section does not apply to the indemnity of a
2 11 surety by a principal on any surety bond or to an insurer's
2 12 obligation to its insureds.

2 13 5. If an upper-tier party to a construction contract is
2 14 named as an additional insured or additionally named insured
2 15 on a commercial general liability or similar liability policy
2 16 of insurance of a lower-tier party to a construction contract,
2 17 the coverage to the upper-tier party shall be limited to the
2 18 cost of defense and vicarious liability, and the policy shall
2 19 not extend coverage for the upper-tier party's own negligence,
2 20 whether sole or partial.

2 21 6. If a court action or other binding dispute resolution
2 22 proceeding is brought or initiated against an upper-tier party
2 23 for personal injury by an employee of a lower-tier party to a
2 24 construction contract, and it is ultimately determined that
2 25 the upper-tier party to the construction contract has no
2 26 liability to the employee other than vicarious liability, the
2 27 upper-tier party has a claim of indemnity for all costs,
2 28 including costs of experts and attorney fees, associated with
2 29 defending such action against any party in the contractual
2 30 chain determined to have any liability for the personal
2 31 injury. Any liability of the employee for the employee's own
2 32 personal injury shall be attributed to the employee's employer
2 33 for purposes of this subsection. This indemnification
2 34 obligation shall be joint and several among the parties found
2 35 liable for the personal injury.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3223 continued

3 1 EXPLANATION
3 2 This bill relates to the use of indemnity provisions in
3 3 construction contracts. The bill prohibits the use of a
3 4 provision in a construction contract that requires one party
3 5 of the contract to indemnify or hold harmless the other party
3 6 to the contract for damages arising out of the negligence,
3 7 act, or omission of the indemnitee or the officers, employees,
3 8 or agents of the indemnitee as void and unenforceable as
3 9 against public policy.
3 10 The bill provides that a construction contract may either
3 11 contain a provision requiring a party to the contract to
3 12 purchase a project-specific insurance policy, or a provision
3 13 that requires one party of the contract to indemnify or hold
3 14 harmless the other party to the contract for damages arising
3 15 out of the negligence, act, or omission of the indemnitor or
3 16 the officers, employees, or agents of the indemnitor. The
3 17 bill does not apply to the indemnity of a surety by a
3 18 principal on a surety bond.
3 19 The bill provides that if an upper-tier party to a
3 20 construction contract is named as an additional insured on a
3 21 liability policy of a lower-tier party to a construction
3 22 contract, the coverage of the policy to the upper-tier party
3 23 shall be limited to the cost of defense and vicarious
3 24 liability and not to the upper-tier party's own negligence.
3 25 The bill also provides that if a court action or binding
3 26 dispute proceeding is brought by an employee of a lower-tier
3 27 party against an upper-tier party to a construction contract
3 28 and the upper-tier party is found to be without liability
3 29 other than vicarious liability, the upper-tier party shall
3 30 have a claim of indemnity for all costs of the court action or
3 31 dispute resolution proceeding.
3 32 The bill provides definitions of the terms "construction
3 33 contract", "indemnify" or "hold harmless", "lower-tier party",
3 34 and "upper-tier party".
3 35 LSB 6523SC 82



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3223 continued

4 1 ak/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3224

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to economic development by creating a sustainable
- 2 community development initiative.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5708XL 82
- 5 tw/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3224 continued

PAG LIN

1 1 Section 1. Section 15.109, Code 2007, is amended to read
1 2 as follows:
1 3 15.109 ADDITIONAL DUTIES.
1 4 1. The department of economic development shall coordinate
1 5 the development of state and local government programs in
1 6 order to promote efficient and economic use of federal, state,
1 7 local, and private resources. ~~The department shall:~~
1 8 ~~1- 2. Provide~~ The department shall provide technical and
1 9 financial assistance to local and regional government
1 10 organizations in Iowa, analyze intergovernmental relations in
1 11 Iowa, and recommend policies to state agencies, local
1 12 governments, the governor, and the general assembly.
1 13 ~~2- 3. Apply~~ The department shall apply for, receive,
1 14 administer, and use federal or other funds available for
1 15 achieving the purposes of this chapter. For purposes of this
1 16 subsection, the term "federal funds" includes federal tax
1 17 credits, grants, or other economic benefits allocated or
1 18 provided by the United States government to encourage
1 19 investment in low-income or other specified areas or to
1 20 otherwise promote economic development.
1 21 a. The department may enter into an agreement pursuant to
1 22 chapter 28E, or any other agreement, with a person, including
1 23 for-profit and nonprofit legal entities, in order to directly
1 24 or indirectly apply for, receive, administer, and use federal
1 25 funds.
1 26 b. As part of such agreements and in furtherance of this
1 27 public purpose and in addition to powers and duties conferred
1 28 under other provisions of law, the department may, including
1 29 for or on behalf of for-profit or nonprofit legal entities,
1 30 appoint, remove, and replace board members and advisors;
1 31 provide oversight; make its personnel and resources available
1 32 to perform administrative, management, and compliance
1 33 functions; coordinate investments; and engage in other acts as
1 34 reasonable and necessary to encourage investment in low-income
1 35 or other areas or to promote economic development.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3224 continued

2 1 c. The department, including department officials and
2 2 employees in their official and personal capacities, are
2 3 immune from liability for all acts or omissions under this
2 4 subsection.

2 5 ~~3.~~ 4. At the time the department approves assistance for
2 6 an applicant, the department shall provide the person with
2 7 information regarding the nature and source of other technical
2 8 assistance available in the state to assist the applicant on
2 9 design and management matters concerning energy efficiency and
2 10 waste reduction. The department shall review the extent to
2 11 which recommendations made to grantees are in fact implemented
2 12 by the grantees.

2 13 5. The department shall establish a sustainable community
2 14 development initiative. The purpose of the initiative is to
2 15 improve the sustainability of Iowa communities by promoting
2 16 environmental justice, ensuring long-term economic growth, and
2 17 fostering environmentally conscious growth and development.
2 18 "Sustainable community development" includes but is not
2 19 limited to encouraging development that improves or modifies
2 20 existing infrastructure before developing new infrastructure
2 21 such as upgrading or repairing roads, electrical conduits, and
2 22 sewers; reclaiming and redeveloping brownfield sites;
2 23 repairing unused or underused urban property; revitalizing
2 24 blighted areas; maximizing existing transportation resources;
2 25 and encouraging mass transit. In establishing the initiative,
2 26 the department shall:

2 27 a. Create a plan to ensure that all of the department's
2 28 current community growth and development programs, efforts,
2 29 and initiatives incorporate an environmentally conscious
2 30 approach and policies that promote sustainability.

2 31 b. Cooperate with local governments in the promotion of
2 32 sustainable growth and development by providing information,
2 33 technical assistance, and financial incentives to communities
2 34 pursuing sustainable growth.

2 35 c. Cooperate with other agencies, departments, and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3224 continued

3 1 divisions within state government, including but not limited
3 2 to the department of natural resources, the department of
3 3 cultural affairs, and the department of transportation in
3 4 order to develop a more comprehensive approach to sustainable
3 5 development statewide.

3 6 d. Develop an internet site with information and resources
3 7 educating the public about and promoting sustainable
3 8 development.

3 9 e. Plan and host conferences to bring together sustainable
3 10 development stakeholders and members of communities.

3 11 f. Provide technical and financial assistance for pilot
3 12 projects promoting environmentally sensitive development and
3 13 sustainable communities.

3 14 Sec. 2. Section 15G.111, subsection 1, Code Supplement
3 15 2007, is amended by adding the following new paragraph:
3 16 NEW PARAGRAPH. dd. The department may use up to five
3 17 hundred thousand dollars of the moneys appropriated under this
3 18 subsection for the administration of the sustainable community
3 19 development initiative established pursuant to section 15.109,
3 20 subsection 5.

3 21 EXPLANATION

3 22 This bill relates to the development of sustainable
3 23 communities.

3 24 The bill directs the department of economic development to
3 25 establish a sustainable community development initiative. As
3 26 part of this initiative, the department is required to ensure
3 27 that all of its current programs promote sustainability, to
3 28 cooperate with local governments, to cooperate with other
3 29 state government entities, to develop an internet site
3 30 promoting sustainability, and to provide technical and
3 31 financial assistance to pilot project communities promoting
3 32 sustainable development.

3 33 The bill authorizes the department to expend annually up to
3 34 \$500,000 from the grow Iowa values fund to fund the
3 35 initiative.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3224 continued

4 1 LSB 5708XL 82
4 2 tw/rj/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3225

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act relating to disease prevention and wellness including the
2 Iowa healthy communities initiative and the governor's council
3 on physical fitness and nutrition.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5740XL 82
6 pf/rj/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3225 continued

PAG LIN

1 1 Section 1. Section 135.27, Code 2007, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 135.27 IOWA HEALTHY COMMUNITIES INITIATIVE == GRANT
1 5 PROGRAM.
1 6 1. PROGRAM GOALS. The department shall establish a grant
1 7 program to energize local communities to transform the
1 8 existing culture into a culture that promotes healthy
1 9 lifestyles and leads collectively, community by community, to
1 10 a healthier state. The grant program shall expand an existing
1 11 healthy communities initiative to assist local boards of
1 12 health, in collaboration with existing community resources, to
1 13 build community capacity in addressing the prevention of
1 14 chronic disease that results from risk factors including being
1 15 overweight and obesity.
1 16 2. DISTRIBUTION OF GRANTS. The department shall
1 17 distribute the grants on a competitive basis and shall support
1 18 the grantee communities in planning and developing wellness
1 19 strategies and establishing methodologies to sustain the
1 20 strategies. Grant criteria shall be consistent with the
1 21 existing statewide initiative between the department and the
1 22 department's partners that promotes increased opportunities
1 23 for physical activity and healthy eating for Iowans of all
1 24 ages, or its successor, and the statewide comprehensive plan
1 25 developed by the existing statewide initiative to increase
1 26 physical activity, improve nutrition, and promote healthy
1 27 behaviors. Grantees shall demonstrate an ability to maximize
1 28 local, state, and federal resources effectively and
1 29 efficiently.
1 30 3. DEPARTMENTAL SUPPORT. The department shall provide
1 31 support to grantees including capacity-building strategies,
1 32 technical assistance, consultation, and ongoing evaluation.
1 33 4. ELIGIBILITY. Local boards of health representing a
1 34 coalition of health care providers and community and private
1 35 organizations are eligible to submit applications.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3225 continued

2 1 Sec. 2. NEW SECTION. 135.27A GOVERNOR'S COUNCIL ON
2 2 PHYSICAL FITNESS AND NUTRITION.
2 3 1. A governor's council on physical fitness and nutrition
2 4 is established consisting of twelve members appointed by the
2 5 governor who have expertise in physical activity, nutrition,
2 6 and promoting healthy behaviors. At least one member shall be
2 7 a representative of elementary and secondary education
2 8 professionals, at least one member shall be a health care
2 9 professional, and at least one member shall be an active
2 10 nutrition or fitness professional. The governor shall select
2 11 a chairperson for the council. Members shall serve terms of
2 12 three years beginning and ending as provided in section 69.19.
2 13 Appointments are subject to sections 69.16 and 69.16A.
2 14 Members are entitled to receive reimbursement for actual
2 15 expenses incurred while engaged in the performance of official
2 16 duties. A member of the council may also be eligible to
2 17 receive compensation as provided in section 7E.6.
2 18 2. The council shall assist in developing a strategy for
2 19 implementation of the statewide comprehensive plan developed
2 20 by the existing statewide initiative to increase physical
2 21 activity, improve nutrition, and promote healthy behaviors.
2 22 The strategy shall include specific components relating to
2 23 specific populations and settings including early childhood,
2 24 educational, local community, worksite wellness, health care,
2 25 and older Iowans. The initial draft of the implementation
2 26 plan shall be submitted to the governor and the general
2 27 assembly by December 1, 2008.
2 28 3. The council shall assist the department in establishing
2 29 and promoting a best practices internet site. The internet
2 30 site shall provide examples of wellness best practices for
2 31 individuals, communities, workplaces, and schools and shall
2 32 include successful examples of both evidence-based and
2 33 nonscientific programs as a resource.
2 34 4. The council shall provide oversight for the governor's
2 35 physical fitness challenge. The governor's physical fitness



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3225 continued

3 1 challenge shall be administered by the department and shall
3 2 provide for the establishment of partnerships with communities
3 3 or school districts to offer the physical fitness challenge
3 4 curriculum to elementary and secondary school students. The
3 5 council shall develop the curriculum, including benchmarks and
3 6 rewards, for advancing the school wellness policy through the
3 7 challenge.

3 8 EXPLANATION

3 9 This bill relates to the Iowa healthy communities
3 10 initiative grant program and the governor's council on
3 11 physical fitness and nutrition.

3 12 The bill directs the department of public health to
3 13 establish an Iowa healthy communities initiative grant program
3 14 to assist local communities in transforming the existing
3 15 culture into a culture that promotes healthy lifestyles and
3 16 leads collectively, community by community, to a healthier
3 17 state. The bill provides that the grant program is to allow
3 18 for expansion of an existing healthy communities initiative to
3 19 help local boards of health in collaboration with existing
3 20 community resources to build community capacity in addressing
3 21 the prevention of chronic disease that results from risk
3 22 factors including being overweight and obesity.

3 23 The bill requires the department to distribute grants on a
3 24 competitive basis to support the project communities in
3 25 planning and developing wellness strategies and establishing
3 26 methodologies to sustain the strategies. Grant criteria must
3 27 be consistent with an existing statewide initiative between
3 28 the department and the department's partners that promotes
3 29 increased opportunities for physical activity and healthy
3 30 eating for Iowans of all ages, or its successor, and the
3 31 statewide comprehensive plan developed by the existing
3 32 statewide initiative to increase physical activity, improve
3 33 nutrition, and promote healthy behaviors. Grantees are
3 34 required to demonstrate an ability to maximize local, state,
3 35 and federal resources effectively and efficiently. The bill



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3225 continued

4 1 directs the department to provide support to grantees
4 2 including capacity=building strategies, technical assistance,
4 3 consultation, and ongoing evaluation. Under the bill, local
4 4 boards of health representing a coalition of health care
4 5 providers, and community and private organizations are
4 6 eligible to submit applications.
4 7 The bill establishes the governor's council on physical
4 8 fitness, specifies the membership of the council, and provides
4 9 the administrative specifications for the council. The
4 10 council is directed to assist the department in developing a
4 11 strategy for implementation of the statewide comprehensive
4 12 plan developed by the existing statewide initiative to
4 13 increase physical activity, improve nutrition, and promote
4 14 healthy behaviors. The initial draft of the implementation
4 15 plan is to be submitted to the governor and the general
4 16 assembly by December 1, 2008. The bill also directs the
4 17 council to assist the department in establishing and promoting
4 18 a best practices internet site and to provide oversight for
4 19 the governor's physical fitness challenge.
4 20 LSB 5740XL 82
4 21 pf/rj/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to natural resources, by providing for the powers
2 and duties of the natural resource commission, and the
3 regulation of public lands and outdoor recreation, providing
4 for penalties, and providing for fees.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5445DP 82
7 da/rj/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3226 continued

PAG LIN

1 1 DIVISION I
 1 2 REGULATION OF EXCURSION GAMBLING BOATS
 1 3 Section 1. Section 99F.7, subsection 14, Code Supplement
 1 4 2007, is amended to read as follows:
 1 5 14. When applicable, an excursion gambling boat operated
 1 6 on inland waters of this state or an excursion boat that has
 1 7 been removed from navigation and is designated as a
 1 8 permanently moored vessel by the United States coast guard
 1 9 shall be subject to the exclusive jurisdiction of the
 1 10 ~~department of natural resources and meet all of the~~
~~1 11 requirements of chapter 462A and is further subject to an~~
~~1 12 inspection of its sanitary facilities to protect the~~
~~1 13 environment and water quality before a certificate of~~
~~1 14 registration is issued by the department of natural resources~~
~~1 15 or a license is issued or renewed under this chapter~~
 1 16 commission. The commission shall adopt rules for the
 1 17 inspection of permanently moored vessels.

1 18 Sec. 2. DEPARTMENTAL RULES IN EFFECT. Until the racing
 1 19 and gaming commission adopts rules necessary to regulate
 1 20 excursion gambling boats operated on inland waters of this
 1 21 state or on excursion boats that have been removed from
 1 22 navigation and designated as a permanently moored vessel by
 1 23 the United States coast guard, pursuant to section 99F.7,
 1 24 subsection 14, as amended by this Act, 571 IAC ch. 48 shall
 1 25 remain in effect and shall be administered by the commission.

1 26 DIVISION II
 1 27 RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND LICENSES
 1 28 Sec. 3. Section 321G.1, Code Supplement 2007, is amended
 1 29 by adding the following new subsections:
 1 30 NEW SUBSECTION. 11A. "Nonresident" means the same as
 1 31 defined in section 483A.1A.
 1 32 NEW SUBSECTION. 17A. "Resident" means the same as defined
 1 33 in section 483A.1A.

1 34 Sec. 4. Section 321I.1, subsection 14, Code Supplement
 1 35 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

2 1 14. "Nonresident" means ~~a person who is not a resident of~~
~~2 2 this state the same as defined in section 483A.1A.~~
2 3 Sec. 5. Section 321I.1, subsection 23, Code Supplement
2 4 2007, is amended to read as follows:
2 5 23. "Resident" means ~~a person who meets the requirements~~
~~2 6 for residency described the same as defined in section 321.1A~~
2 7 483A.1A.
2 8 Sec. 6. Section 483A.1A, Code 2007, is amended by adding
2 9 the following new subsection:
2 10 NEW SUBSECTION. 6A. "Nonresident" means a person who is
2 11 not a resident.
2 12 Sec. 7. Section 483A.1A, subsection 7, Code 2007, is
2 13 amended by striking the subsection and inserting in lieu
2 14 thereof the following:
2 15 7. "Resident" means a person who is deemed to be a
2 16 resident pursuant to section 483A.2 or who is determined to be
2 17 a resident pursuant to section 483A.2A.
2 18 Sec. 8. Section 483A.2, Code 2007, is amended to read as
2 19 follows:
2 20 483A.2 DUAL RESIDENCY REQUIREMENT AND RESTRICTION.
2 21 1. A The department shall not issue a resident license
2 22 shall be limited to persons who do not claim any resident
~~2 23 privileges, except as defined in section 483A.1A, subsection~~
~~2 24 7, paragraphs "b", "c", and "d", in another state or country~~
2 25 to a person who is not a resident of this state as determined
2 26 by the department pursuant to section 483A.2A. A person shall
2 27 not purchase or apply for any a resident license or permit if
2 28 that person has claimed residency in any other state or
2 29 country.
2 30 2. Regardless of whether a person claims residency
2 31 privileges in this state, the person shall be deemed to be a
2 32 resident of this state if the person is any of the following:
2 33 a. A full-time student at any of the following:
2 34 (1) An accredited educational institution located in this
2 35 state, if the person resides in this state while attending the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

3 1 educational institution.

3 2 (2) An accredited educational institution located outside
3 3 this state, if the person is under the age of twenty-five and
3 4 has at least one parent or a legal guardian who maintains that
3 5 person's principal residence in this state.

3 6 b. Under eighteen years of age and has at least one parent
3 7 or a legal guardian who maintains the person's principal
3 8 residence in this state.

3 9 c. A member of the armed forces of the United States
3 10 serving on active duty, if any of the following applies:

3 11 (1) The person claims residency in this state and has
3 12 filed a state individual income tax return as a resident
3 13 pursuant to chapter 422, division II, for the preceding tax
3 14 year.

3 15 (2) The person is stationed in this state.

3 16 Sec. 9. NEW SECTION. 483A.2A RESIDENCY DETERMINED.

3 17 For purposes of this chapter, all of the following apply:

3 18 1. A person is a resident of this state, if the person is
3 19 a natural person and maintains a principal residence in this
3 20 state for at least thirty consecutive days before purchasing a
3 21 resident license pursuant to section 483A.1. At the time of
3 22 purchase, the person must have legally obtained an Iowa
3 23 driver's license or an Iowa nonoperator's identification card
3 24 pursuant to chapter 321.

3 25 2. The department shall determine whether a person
3 26 maintains a principal residence in this state when the person
3 27 maintains a domicile both in this state and outside this state
3 28 during the same year.

3 29 a. A rebuttable presumption arises that a person is a
3 30 resident of this state if the person occupies a domicile
3 31 located in this state during the majority of the twelve months
3 32 prior to the person's purchase of the license.

3 33 b. If it cannot be determined whether the person occupies
3 34 a domicile located in this state during the majority of the
3 35 twelve months prior to the person's purchase of the license,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

4 1 the department shall consider factors established by the
4 2 department to make the determination which may include but are
4 3 not limited to whether any of the following is true:

4 4 (1) The person is employed or engages in any trade,
4 5 profession, or occupation within this state other than as
4 6 provided in section 321.55.

4 7 (2) The person maintains a mailing address at the
4 8 domicile.

4 9 (3) The person's name and domicile address are listed on
4 10 any of the following:

4 11 (a) Correspondence mailed to the person by the United
4 12 States postal service.

4 13 (b) Utility records which provide service to the domicile.

4 14 (c) County records, including but not limited to land,
4 15 tax, or vehicle registration records.

4 16 (d) State and federal income tax returns.

4 17 3. Upon demand by the department, a person shall submit
4 18 all documentation required to establish evidence of residence.
4 19 The department shall keep confidential any document which is
4 20 otherwise required to be confidential by state or federal law.

4 21 DIVISION III

4 22 RIDING AREAS AND TRAILS FOR ALL-TERRAIN VEHICLES

4 23 Sec. 10. Section 321I.2, Code 2007, is amended by adding
4 24 the following new subsection:

4 25 NEW SUBSECTION. 9. The operation or maintenance of
4 26 designated riding areas and designated riding trails.

4 27 DIVISION IV

4 28 CONSTRUCTION ON STATE-OWNED OR STATE-MANAGED LAND OR WATERS

4 29 Sec. 11. Section 461A.4, Code 2007, is amended to read as
4 30 follows:

4 31 461A.4 CONSTRUCTION PERMIT == RULES == OF STRUCTURES AND
4 32 OPERATION OF COMMERCIAL CONCESSIONS.

4 33 1. a. A person, association, or corporation shall not
4 34 build or erect any construct a structure including but not
4 35 limited to a pier, wharf, sluice, piling, wall, fence,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

5 1 obstruction, erection, or building, ~~or erection of any kind~~
5 2 upon or over any state-owned or state-managed land or water
5 3 under the jurisdiction of the commission, without first
5 4 obtaining from the commission a written permit. A permit, in
5 5 matters relating to or in any manner affecting flood control,
5 6 shall not be issued without approval of the environmental
5 7 protection commission of the department. A person shall not
5 8 construct or maintain ~~or erect any~~ a structure beyond the line
5 9 of private ownership along or upon the shores of state-owned
5 10 or state-managed waters in a manner to obstruct the passage of
5 11 pedestrians along the shore between the ordinary high-water
5 12 mark and the water's edge, except by permission of the
5 13 commission.

5 14 b. ~~It shall be the duty of the~~ The commission ~~to~~ shall
5 15 adopt and enforce rules governing and regulating the building
~~5 16 or erection~~ construction of any such pier, wharf, sluice,
~~5 17 piling, wall, fence, obstruction, building or erection of any~~
~~5 18 kind, and said~~ a structure as provided in this subsection.
5 19 The commission may prohibit, or restrict its construction, or
5 20 order the removal thereof owner to remove the structure, when
5 21 in the judgment of said commission determines that it will be
~~5 22 for is in~~ the best interest of the public. The commission
5 23 shall comply with the provisions of chapter 17A when issuing
5 24 an order under this section.

~~5 25 Any person, firm, association, or corporation violating any~~
~~5 26 of the provisions of this section or any rule adopted by the~~
~~5 27 commission under the authority of this section shall be guilty~~
~~5 28 of a simple misdemeanor.~~

5 29 2. A person, association, or corporation shall not operate
5 30 a commercial concession in a park, forest, fish and wildlife
5 31 area, or recreation area under the jurisdiction of the
5 32 department without first entering into a written contract with
5 33 the department. The contract shall state the consideration
5 34 and other terms under which the concession may be operated.
5 35 The department may cancel or, in an emergency, suspend a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

6 1 concession contract for the protection of the public health,
6 2 safety, morals, or welfare.

6 3 Sec. 12. NEW SECTION. 461A.5A INJUNCTIVE RELIEF.

6 4 If it appears to the department that a person is violating
6 5 or about to violate a provision of section 461A.4 or refuses
6 6 to comply with an order issued by the commission pursuant to
6 7 section 461A.4, the department may refer the matter to the
6 8 attorney general, who may bring an action in the district
6 9 court in any county of the state for an injunction to restrain
6 10 the person from committing the violation. Upon a proper
6 11 showing, the court may order a permanent or temporary
6 12 injunction. The state shall not be required to post a bond.

6 13 Sec. 13. NEW SECTION. 461A.5B PENALTIES.

6 14 1. Except as provided in subsection 2, a person who
6 15 violates a provision of section 461A.4 or of a departmental
6 16 rule or refuses to comply with an order issued by the
6 17 commission pursuant to section 461A.4 is guilty of a simple
6 18 misdemeanor.

6 19 2. The state may proceed against a person who violates a
6 20 provision of section 461A.4 or refuses to comply with an order
6 21 issued by the commission pursuant to section 461A.4 by
6 22 initiating an alternative civil enforcement action in lieu of
6 23 a criminal prosecution. The amount of the civil penalty shall
6 24 not exceed five thousand dollars. Each day of a violation
6 25 shall be considered a separate offense. The alternative civil
6 26 enforcement action may be brought against the person as a
6 27 contested case proceeding by the department under chapter 17A
6 28 if the amount of the civil penalty is not more than ten
6 29 thousand dollars or as a civil judicial proceeding by the
6 30 attorney general upon referral by the department. In a
6 31 contested case proceeding, the department may impose, assess,
6 32 and collect the civil penalty.

6 33 Sec. 14. Section 461A.6, Code 2007, is amended to read as
6 34 follows:

6 35 461A.6 COSTS == LIEN.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3226 continued

8 1 jurisdiction of the commission ~~shall not exceed fifteen miles~~
~~8 2 per hour and shall be operated in a at a rate of speed greater~~
 8 3 than is reasonable and prudent manner or proper under all
 8 4 existing circumstances.

8 5 4. A permit issued by the commission pursuant to this
 8 6 section may be suspended or revoked by the commission if a
 8 7 craft or vehicle is operated in a careless manner which
 8 8 endangers others.

8 9

DIVISION VI

8 10

HUNTER EDUCATION TRAINING

8 11 Sec. 17. Section 483A.27, subsections 1, 3, 6, and 11,
 8 12 Code Supplement 2007, are amended to read as follows:

8 13 1. A person born after January 1, 1972, shall not obtain a
 8 14 hunting license unless the person has satisfactorily completed
 8 15 a hunter safety and ethics education course approved by the
 8 16 commission. A person who is eleven years of age or more may
 8 17 enroll in an approved hunter safety and ethics education
 8 18 course, but a person who is eleven years of age and who has
 8 19 successfully completed the course shall be issued a
 8 20 certificate of completion which becomes valid on the person's
 8 21 twelfth birthday. A certificate of completion from an
 8 22 approved hunter safety and ethics education course issued in
 8 23 this state ~~since 1960~~, or a certificate issued by another
 8 24 state, or by a foreign nation, country, or province that meets
 8 25 the standards adopted by the international hunter education
 8 26 association is valid for the requirements of this section.

8 27 3. The department shall provide a manual ~~on~~ regarding
 8 28 hunter safety and ethics education which shall be used by all
 8 29 instructors and persons receiving hunter safety and ethics
 8 30 education training in this state. The department may produce
 8 31 the manual in a print or electronic format accessible from a
 8 32 computer, including from a data storage device or the
 8 33 department's internet site.

8 34 6. A public or private school accredited pursuant to
 8 35 section 256.11 or an organization approved by the department



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

9 1 may ~~co-operate~~ cooperate with the department in providing a
9 2 course in hunter safety and ethics education or shooting
9 3 sports activities as provided in this section.

9 4 11. ~~A hunter safety and ethics~~ An instructor certified by
9 5 the department shall be allowed to conduct ~~an~~ departmental
9 6 approved hunter safety and ethics education course or shooting
9 7 sports activities course on public school property with the
9 8 approval of a majority of the board of directors of the school
9 9 district. ~~The conduct of~~ Conducting an approved hunter safety
9 10 and ethics education course or shooting sports activities
9 11 course is not a violation of any public policy, rule,
9 12 regulation, resolution, or ordinance which prohibits the
9 13 possession, display, or use of a firearm, bow and arrow, or
9 14 other hunting weapon on public school property or other public
9 15 property in this state.

9 16 Sec. 18. Section 483A.27, Code Supplement 2007, is amended
9 17 by adding the following new subsection:

9 18 NEW SUBSECTION. 2A. The commission may establish, assess,
9 19 and collect a fee which shall be imposed upon a person
9 20 attending a hunter safety and ethics education course. The
9 21 department shall establish the amount of the fee based on the
9 22 actual cost of providing the instruction. The fees collected
9 23 under this subsection shall be deposited into the fish and
9 24 game protection fund created in section 456A.17.

9 25 DIVISION VII

9 26 USE OF LASER SIGHTS BY BLIND HUNTERS

9 27 Sec. 19. Section 481A.93, subsection 2, Code 2007, is
9 28 amended to read as follows:

9 29 2. This section does not apply to ~~deer~~ any of the
9 30 following:

9 31 a. Deer being taken by or under the control of a local
9 32 governmental body within its corporate limits pursuant to an
9 33 approved special deer population control plan.

9 34 b. A person who is totally blind using a laser sight on a
9 35 bow or gun while hunting, if all of the following apply:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

10 1 (1) The person's total blindness is supported by medical
10 2 evidence produced by an eye care professional who is an
10 3 ophthalmologist, optometrist, or medical doctor. The eye care
10 4 professional must certify that the person has no vision or
10 5 light perception in either eye. The certification must be
10 6 carried on the person of the totally blind person and made
10 7 available for inspection by the department.

10 8 (2) The totally blind person is accompanied and aided by a
10 9 person who is at least eighteen years of age and whose vision
10 10 is not seriously impaired. The accompanying person must have
10 11 a hunting license and pay the wildlife habitat fee as provided
10 12 in section 483A.1 if applicable. During the hunt, the
10 13 accompanying adult must be within arm's reach of the totally
10 14 blind person, and must be able to identify the target and the
10 15 location of the laser sight beam on the target. A person
10 16 other than the totally blind person shall not shoot the laser
10 17 sight-equipped gun or bow.

10 18 DIVISION VIII

10 19 SEX OFFENDER RESTRICTIONS

10 20 Sec. 20. Section 692A.2A, subsections 2 and 3, Code 2007,
10 21 are amended to read as follows:

10 22 2. A person shall not reside within two thousand feet of
10 23 the real property comprising a public or nonpublic elementary
10 24 or secondary school, ~~or~~ a child care facility, or a campground
10 25 that is owned or managed by the state or a county.

10 26 3. A person who resides within two thousand feet of the
10 27 real property comprising a public or nonpublic elementary or
10 28 secondary school, ~~or~~ a child care facility, or a campground
10 29 that is owned or managed by the state or a county commits an
10 30 aggravated misdemeanor.

10 31 Sec. 21. Section 692A.2A, subsection 4, unnumbered
10 32 paragraph 1, Code 2007, is amended to read as follows:

10 33 A person residing within two thousand feet of the real
10 34 property comprising a public or nonpublic elementary or
10 35 secondary school, ~~or~~ a child care facility, or a campground



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

11 1 that is owned or managed by the state or a county does not
11 2 commit a violation of this section if any of the following
11 3 apply:

11 4 Sec. 22. Section 692A.5, subsection 1, paragraph h, Code
11 5 2007, is amended to read as follows:

11 6 h. Inform the person, if the person's residency is
11 7 restricted under section 692A.2A, that the person shall not
11 8 reside within two thousand feet of the real property
11 9 comprising a public or nonpublic elementary or secondary
11 10 school, ~~or a~~ child care facility, or campground that is owned
11 11 or managed by the state or a county.

11 12 DIVISION IX

11 13 CITATION IN LIEU OF ARREST

11 14 Sec. 23. Section 805.8B, subsection 5, Code Supplement
11 15 2007, is amended to read as follows:

11 16 5. AQUATIC INVASIVE SPECIES VIOLATIONS. For violations of
11 17 section 456A.37, subsection 5, the scheduled fine is ~~one~~ five
11 18 hundred dollars.

11 19 DIVISION X

11 20 CODE CORRECTIONS

11 21 Sec. 24. Section 99F.1, subsection 12, Code Supplement
11 22 2007, is amended to read as follows:

11 23 12. "Gambling structure" means any man-made stationary
11 24 structure approved by the commission that does not include a
11 25 racetrack enclosure which is subject to land-based building
11 26 codes rather than maritime or ~~Iowa~~ department of natural
11 27 resources inspection laws and regulations on which lawful
11 28 gambling is authorized and licensed as provided in this
11 29 chapter.

11 30 Sec. 25. Section 354.22, unnumbered paragraph 1, Code
11 31 2007, is amended to read as follows:

11 32 The proprietors of lots within an official plat who wish to
11 33 vacate any portion of the official plat shall file a petition
11 34 for vacation with the governing body which would have
11 35 jurisdiction to approve the plat at the time the petition is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

12 1 filed. After the petition has been filed, the governing body
12 2 shall fix the time and place for public hearing on the
12 3 petition. Written notice of the proposed vacation shall be
12 4 served in the manner of original notices as provided in Iowa
12 5 rules of civil procedure and be served upon proprietors and
12 6 mortgagees within the official plat that are within three
12 7 hundred feet of the area to be vacated. If a portion of the
12 8 official plat adjoins a river or state-owned lake, the ~~Iowa~~
12 9 department of natural resources shall be served written notice
12 10 of the proposed vacation. Notice of the proposed vacation
12 11 shall be published twice, with fourteen days between
12 12 publications, stating the date, time, and place of the
12 13 hearing.

12 14 Sec. 26. Section 455G.2, subsection 12, Code 2007, is
12 15 amended to read as follows:

12 16 12. "Insurance" includes any form of financial assistance
12 17 or showing of financial responsibility sufficient to comply
12 18 with the federal Resource Conservation and Recovery Act or the
12 19 ~~Iowa~~ department of natural resources' underground storage tank
12 20 financial responsibility rules.

12 21 Sec. 27. Section 483A.24, subsection 15, Code Supplement
12 22 2007, is amended to read as follows:

12 23 15. The department may issue a permit, subject to
12 24 conditions established by the department, which authorizes a
12 25 student sixteen years of age or older attending an Iowa public
12 26 or accredited nonpublic school who is participating in the
12 27 ~~Iowa~~ department of natural resources fish Iowa! basic
12 28 spincasting module to fish without a license as part of a
12 29 supervised school outing.

12 30 EXPLANATION

12 31 This bill amends a number of provisions relating to natural
12 32 resources regulated by the department of natural resources,
12 33 and specifically provisions under the jurisdiction of the
12 34 natural resource commission, which provide for public land and
12 35 outdoor recreation.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

13 1 DIVISION I == REGULATION OF EXCURSION GAMBLING BOATS. The
13 2 bill amends Code section 99F.7 by providing that the racing
13 3 and gaming commission and not the department of natural
13 4 resources is responsible for the inspection of excursion
13 5 gambling boats, but that departmental rules will remain in
13 6 effect and enforced by the racing and gaming commission until
13 7 the commission adopts its own rules.

13 8 DIVISION II == RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND
13 9 LICENSES. The bill provides a common method for determining
13 10 residency requirements for registering snowmobiles (Code
13 11 chapter 321G), all-terrain vehicles (Code chapter 321I), and
13 12 licensing including hunting and fishing licenses (Code chapter
13 13 483A). The bill creates a new Code section 483A.2A, which
13 14 governs how residency is to be determined. The bill does not
13 15 change the requirement that a person must establish residency
13 16 for 30 days, but provides that it is based on the maintenance
13 17 of a "principal residence" in this state for that period prior
13 18 to purchasing the license. The bill does not change the
13 19 requirement that a full-time student who attends an
13 20 educational institution in this state is a resident. It does
13 21 extend the provision to a student attending an educational
13 22 institution outside this state so long as the student's parent
13 23 or legal guardian maintains the person's principal residence
13 24 in the state. It still provides that a person is a resident
13 25 if the person is under 18 years old with an in-state parent,
13 26 but requires that the parent or legal guardian maintains a
13 27 principal residence in the state. The bill retains a
13 28 provision that allows a member of the armed forces to be
13 29 classified as a resident so long as the member is on active
13 30 duty and either has proof of residency or is stationed in this
13 31 state. It eliminates a requirement that provides that voter
13 32 registration is proof of residency.

13 33 The bill requires the department to determine whether a
13 34 person maintains a principal residence in this state. The
13 35 bill provides a rebuttable presumption of residency if the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

14 1 person occupies a dwelling in the state for a majority of the
14 2 12 months prior to the person's purchase of the license.
14 3 Otherwise, the department must make the determination based on
14 4 a number of factors required by the department which may
14 5 include the person's place of employment or domicile address
14 6 on correspondence or records. The department may require the
14 7 person to provide evidence of the person's permanent
14 8 residence.

14 9 DIVISION III == ALL=TERRAIN VEHICLES. The bill amends Code
14 10 section 321I.2 by providing that the department may adopt
14 11 rules regarding the operation or maintenance of designated
14 12 riding trails.

14 13 DIVISION IV == CONSTRUCTION ON STATE=OWNED OR STATE=MANAGED
14 14 LAND OR WATERS. The bill amends Code section 461A.4
14 15 authorizing the department to regulate the construction of
14 16 structures (piers, wharfs, sluices, pilings, walls, fences, or
14 17 buildings) upon or over any state-owned land. The bill makes
14 18 stylistic changes to the provisions, provides that the
14 19 department's authority extends to state-managed land or
14 20 waters, and provides for the issuance of orders to persons who
14 21 are in violation of the law.

14 22 The bill creates new Code sections 461A.5A and 461A.5B
14 23 providing the department with enforcement authority. It
14 24 authorizes the department to obtain injunctive relief against
14 25 a person who is in violation of Code section 461A.4 or refuses
14 26 to comply with an order issued by the department. The bill
14 27 rewrites but does not alter the criminal penalty for
14 28 committing a violation of the Code section, which is a simple
14 29 misdemeanor, and provides that the penalty applies to a person
14 30 who fails to comply with an order issued by the department
14 31 under that Code section. A simple misdemeanor is punishable
14 32 by confinement for no more than 30 days or a fine of at least
14 33 \$65 but not more than \$625 or by both. The bill provides that
14 34 the state may also proceed against the person by initiating an
14 35 alternative civil enforcement action in lieu of a criminal



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008

Senate Study Bill 3226 continued

15 1 prosecution. The amount of the civil penalty cannot exceed
15 2 \$5,000, and the bill provides for enforcement by the
15 3 department or the attorney general upon referral by the
15 4 department.

15 5 The bill eliminates Code section 461A.5 relating to the
15 6 removal of obstructions because it includes redundant
15 7 provisions and amends Code section 461A.6 referring to the
15 8 department's authority to enforce a lien against a structure
15 9 in a manner consistent with the other bill's provisions.

15 10 DIVISION V == DRIVING OVER ICE. The bill amends Code
15 11 section 462A.33 which requires that certain crafts or vehicles
15 12 cannot operate on ice over certain state waters without
15 13 obtaining a permit from the department. The bill expands the
15 14 types of vehicles not requiring a permit to include
15 15 all-terrain vehicles, off-road motorcycles, and off-road
15 16 utility vehicles. The bill amends a provision that prohibits
15 17 vehicles from exceeding 15 miles per hour when traveling over
15 18 ice on the waters of the state without a special permit. The
15 19 bill replaces the speed limit with a requirement that the
15 20 vehicle cannot exceed a rate of speed that is reasonable and
15 21 proper.

15 22 DIVISION VI == HUNTER TRAINING. The bill amends Code
15 23 section 483A.27 which requires that a person complete a hunter
15 24 safety and ethics education course before being issued a
15 25 hunting license. The bill provides that the certificate may
15 26 be issued by another state, or a country, or province that
15 27 meets the standards adopted by the international hunter
15 28 education association. The bill authorizes the department to
15 29 establish, assess, and collect a fee for conducting the
15 30 course. Moneys from the fees are deposited into the fish and
15 31 game protection fund. The bill also amends the Code section
15 32 to provide that the department may produce hunter safety and
15 33 ethics education courses in an electronic format.

15 34 DIVISION VII == USE OF LASER SIGHTS BY BLIND HUNTERS. The
15 35 bill provides that a person who is totally blind may hunt



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2008**

Senate Study Bill 3226 continued

16 1 using a gun or bow equipped with a laser sight so long as the
16 2 person is accompanied by a sighted person. The person's
16 3 blindness must be certified by medical evidence.

16 4 DIVISION VIII == SEX OFFENDER RESTRICTIONS. The bill
16 5 amends provisions in Code section 692A.2A by providing that a
16 6 person cannot reside within 2,000 feet from a campground owned
16 7 or managed by the state or a county. The current law provides
16 8 that the same separation distance applies to a public or
16 9 nonpublic elementary or secondary school or child care
16 10 facility.

16 11 DIVISION IX == CITATION IN LIEU OF ARREST. The bill amends
16 12 Code section 805.8B which authorizes the department to issue a
16 13 citation for certain violations of law including for the
16 14 spreading of an aquatic invasive species (Eurasian water
16 15 milfoil), by increasing the scheduled fine from \$100 to \$500.

16 16 DIVISION X == CODE CORRECTIONS. The bill amends a number
16 17 of Code sections by correcting the name of the department.

16 18 LSB 5445DP 82

16 19 da/rj/14.1