



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 15, 2007

House Amendment 1056

PAG LIN

1 1 Amend Senate File 62, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, by striking lines 26 through 31.
1 4 #2. Page 9, line 5, by striking the words
1 5 <treasurer auditor> and inserting the following:
1 6 <treasurer>.
1 7 #3. Page 9, line 7, by striking the words
1 8 <treasurer auditor> and inserting the following:
1 9 <treasurer>.
1 10 #4. Page 9, line 10, by striking the words
1 11 <treasurer auditor> and inserting the following:
1 12 <treasurer>.
1 13 #5. By renumbering as necessary.
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1 16
1 17 COMMITTEE ON EDUCATION
1 18 WENDT of Woodbury, CHAIRPERSON
1 19 SF 62.703 82
1 20 kh/gg/6587
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Iowa General Assembly
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February 15, 2007

House File 392 - Introduced

HOUSE FILE
BY WHITAKER

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

A BILL FOR

- 1 An Act providing for the free association of contract producers
- 2 of agricultural commodities and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2413HH 82
- 5 da/je/5



Iowa General Assembly
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House File 392 - Introduced continued

PAG LIN

1 1 Section 1. Section 202.1, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 1A. "Agricultural producer" means a
1 4 person who produces a commodity.

1 5 Sec. 2. Section 202.1, subsection 6, Code 2007, is amended
1 6 to read as follows:

1 7 6. "Contract producer" means ~~a person~~ an agricultural
1 8 producer who holds a legal interest in a contract operation
1 9 and who produces a commodity at the contract producer's
1 10 contract operation under a production contract executed
1 11 pursuant to section 202.2.

1 12 Sec. 3. NEW SECTION. 202.3A FREE ASSOCIATION.

1 13 1. A contractor shall not act or attempt to act in a
1 14 coercive or retaliatory manner that restricts a contract
1 15 producer from associating with persons, including but not
1 16 limited to communicating with another agricultural producer or
1 17 affiliating with an organization whose members are
1 18 agricultural producers.

1 19 2. Any provision in a contract executed between a contract
1 20 producer and a contractor, including a production contract, is
1 21 void if the provision restricts a contract producer from
1 22 associating with persons, including but not limited to
1 23 communicating with another agricultural producer or
1 24 affiliating with an organization whose members are
1 25 agricultural producers.

1 26 Sec. 4. Section 202.5, Code 2007, is amended to read as
1 27 follows:

1 28 202.5 PENALTIES.

1 29 1. A contractor who executes a production contract that
1 30 includes a confidentiality provision in a production contract
1 31 in violation of section 202.3 is guilty of a fraudulent
1 32 practice as provided in section 714.8.

1 33 2. A contractor who acts or attempts to act in a coercive
1 34 or retaliatory manner in violation of section 202.3A is guilty
1 35 of an aggravated misdemeanor.



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House File 393 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 163)

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

A BILL FOR

- 1 An Act relating to qualifications for licensure as a real estate
- 2 broker or salesperson upon conviction of specified offenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2157HV 82
- 5 rn/es/88



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House File 393 - Introduced continued

PAG LIN

1 1 Section 1. Section 543B.15, subsection 3, Code 2007, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 3. a. An applicant for a real estate broker's or
1 5 salesperson's license who has been convicted of an indictable
1 6 offense shall not be considered for licensure until the
1 7 following time periods have elapsed following completion of
1 8 any applicable period of incarceration, or payment of a fine
1 9 or fulfillment of any other type of sentence:
1 10 (1) For an offense which is classified as a serious or
1 11 aggravated misdemeanor, one year.
1 12 (2) For an offense which is classified as a felony, two
1 13 years.
1 14 (3) Notwithstanding subparagraphs (1) and (2), for
1 15 offenses including or involving forgery, embezzlement,
1 16 obtaining money under false pretenses, theft, arson,
1 17 extortion, conspiracy to defraud, or other offense involving a
1 18 criminal breach of fiduciary duty, five years.
1 19 b. After expiration of the time periods specified in
1 20 paragraph "a", an application shall be considered by the
1 21 commission pursuant to subsection 7 and may be denied on the
1 22 grounds of the conviction. An applicant may request a hearing
1 23 pursuant to section 543B.19 in the event of a denial.
1 24 c. For purposes of this section, "convicted" means a
1 25 guilty plea, deferred judgment from the time of entry of the
1 26 deferred judgment until the time the defendant is discharged
1 27 by the court without entry of judgment, or other finding of
1 28 guilt by a court of competent jurisdiction in this state, or
1 29 in any other state, territory, or district of the United
1 30 States, or in any foreign jurisdiction.
1 31 Sec. 2. Section 543B.15, subsection 6, Code 2007, is
1 32 amended to read as follows:
1 33 6. A licensed real estate broker or salesperson shall
1 34 notify the commission of the licensee's conviction of an
1 35 offense included in subsection 3 within ~~sixty~~ ten days of the



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2 1 conviction. Notification of a conviction for an offense which
2 2 is classified as a felony shall result in the immediate
2 3 suspension of a license pending the outcome of a hearing
2 4 conducted pursuant to section 543B.35. The failure of the
2 5 licensee to notify the commission of the conviction within
2 6 ~~sixty~~ ten days of the date of the conviction is sufficient
2 7 grounds for revocation of the license.

2 8 EXPLANATION

2 9 This bill relates to action taken by the real estate
2 10 commission in circumstances where an applicant for licensure,
2 11 or an existing licensee, has been convicted of specified
2 12 criminal offenses.

2 13 The bill provides that an applicant for a real estate
2 14 broker's or salesperson's license who has been convicted of an
2 15 indictable offense shall not be considered for licensure until
2 16 specified time periods have elapsed following completion of a
2 17 sentence. The bill defines "convicted" to refer to a guilty
2 18 plea, deferred judgment, or other finding of guilt. The time
2 19 periods are one year for a serious or aggravated misdemeanor,
2 20 two years for a felony, and five years for offenses which
2 21 include or involve forgery, embezzlement, obtaining money
2 22 under false pretenses, theft, arson, extortion, conspiracy to
2 23 defraud, or other criminal breach of fiduciary duty. The bill
2 24 provides that after these time periods have elapsed, the
2 25 commission shall consider an application and may deny it based
2 26 on the conviction. If denied, an applicant may request a
2 27 hearing pursuant to Code section 543B.19.

2 28 With regard to existing licensees, the bill modifies Code
2 29 section 543B.15 to require that a licensee notify the
2 30 commission of a conviction of any of the above-specified
2 31 offenses within 10 days of the conviction. That Code section
2 32 currently provides for a 60-day notification period. The bill
2 33 provides that notification of a conviction for an offense
2 34 which is classified as a felony will result in the immediate
2 35 suspension of a license pending the outcome of a revocation



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House File 393 - Introduced continued

- 3 1 hearing conducted pursuant to Code section 543B.35.
- 3 2 LSB 2157HV 82
- 3 3 rn:nh/es/88



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House File 394 - Introduced

HOUSE FILE
BY MERTZ

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to maximum size and weight requirements for
- 2 vehicles hauling crops during the annual period of harvest.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1070YH 82
- 5 dea/sh/8



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House File 394 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.463, subsection 5, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. Notwithstanding any other law of this
1 4 state, during the annual period beginning October 1 and ending
1 5 October 31, the provisions of paragraphs "a" and "b" and
1 6 section 321E.29 are suspended, to the extent that those
1 7 provisions restrict the movement of oversize and overweight
1 8 loads of soybeans, corn, hay, straw, and stover and require a
1 9 permit to transport such loads. This paragraph applies to
1 10 loads transported on highways other than interstate roads by
1 11 vehicles or combinations of vehicles which do not exceed a
1 12 maximum gross weight of ninety thousand pounds and maximum
1 13 axle weight limits under subsection 2 and which comply with
1 14 posted limits on bridges.

1 15 EXPLANATION

1 16 This bill provides for annual suspension of maximum size
1 17 and weight limits and permit requirements for vehicles hauling
1 18 crops on noninterstate roads from October 1 through October
1 19 31. Current law establishes graduated weight limits for
1 20 vehicles or combinations of vehicles based on the number of
1 21 axles, with a maximum allowable weight of 80,000 pounds. The
1 22 bill allows a maximum gross weight of 90,000 pounds during the
1 23 annual suspension period regardless of the number of axles,
1 24 provided that maximum legal axle weight limits are not
1 25 exceeded. Weight embargoes on bridges are not affected by the
1 26 bill.

1 27 LSB 1070YH 82

1 28 dea:nh/sh/8



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House File 395 - Introduced

HOUSE FILE
BY LENSING

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

A BILL FOR

1 An Act increasing the taxes imposed on cigarettes and tobacco
2 products and providing for deposit of the increased revenue
3 generated in the healthy Iowans tobacco trust, and providing
4 an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2298HH 82
7 pf/gg/14



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House File 395 - Introduced continued

PAG LIN

1 1 Section 1. Section 12.65, subsections 1 and 2, Code 2007,
1 2 are amended to read as follows:

1 3 1. A healthy Iowans tobacco trust is created in the office
1 4 of the treasurer of state. Moneys transferred to the healthy
1 5 Iowans tobacco trust from the endowment for Iowa's health
1 6 account of the tobacco settlement trust fund established in
1 7 section 12E.12; proceeds derived from payment of taxes
1 8 pursuant to section 453A.6, subsection 1, paragraph "b",
1 9 section 453A.43, subsection 1, paragraph "b", and section
1 10 453A.43, subsection 2, paragraph "b"; and moneys appropriated
1 11 or transferred from any other source shall be deposited in the
1 12 healthy Iowans tobacco trust.

1 13 2. Moneys deposited in the healthy Iowans tobacco trust
1 14 shall be used only in accordance with appropriations from the
1 15 healthy Iowans tobacco trust for purposes related to health
1 16 care, substance abuse treatment and enforcement, tobacco use
1 17 prevention and control, and other purposes related to the
1 18 needs of children, adults, and families in the state.

1 19 However, moneys deposited in the healthy Iowans tobacco trust
1 20 which are proceeds derived from payment of taxes pursuant to
1 21 section 453A.6, subsection 1, paragraph "b", section 453A.43,
1 22 subsection 1, paragraph "b", and section 453A.43, subsection
1 23 2, paragraph "b", shall only be used for health care and
1 24 tobacco use prevention, cessation, and control.

1 25 Sec. 2. Section 453A.6, subsection 1, Code 2007, is
1 26 amended to read as follows:

1 27 1. There is imposed, and shall be collected and paid to
1 28 the department, the following taxes on all cigarettes used or
1 29 otherwise disposed of in this state for any purpose
1 30 whatsoever:

1 31 ~~a. CLASS A. On cigarettes weighing not more than three~~
1 32 ~~pounds per thousand, eighteen mills on each such cigarette.~~

1 33 ~~CLASS B. On cigarettes weighing more than three pounds per~~
1 34 ~~thousand, eighteen mills One and eight-tenths cents on each~~

1 35 such cigarette.



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2 1 b. In addition to the tax imposed in paragraph "a", five
2 2 and eighty-five one-hundredths cents on each cigarette.

2 3 Sec. 3. Section 453A.35, Code 2007, is amended to read as
2 4 follows:

2 5 453A.35 TAX AND FEES PAID TO GENERAL FUND.

2 6 The proceeds derived from the sale of stamps and the
2 7 payment of taxes, fees and penalties provided for under this
2 8 chapter, and the permit fees received from all permits issued
2 9 by the department, shall be credited to the general fund of
2 10 the state, with the exception of the proceeds derived from
2 11 payment of taxes pursuant to section 453A.6, subsection 1,
2 12 paragraph "b", section 453A.43, subsection 1, paragraph "b",
2 13 and section 453A.43, subsection 2, paragraph "b", which shall
2 14 be credited to the healthy Iowans tobacco trust created in
2 15 section 12.65. All permit fees provided for in this chapter
2 16 and collected by cities in the issuance of permits granted by
2 17 the cities shall be paid to the treasurer of the city where
2 18 the permit is effective, or to another city officer as
2 19 designated by the council, and credited to the general fund of
2 20 the city. Permit fees so collected by counties shall be paid
2 21 to the county treasurer.

2 22 Sec. 4. Section 453A.40, subsection 1, Code 2007, is
2 23 amended to read as follows:

2 24 1. All persons required to obtain a permit or to be
2 25 licensed under section 453A.13 ~~as distributors~~ or 453A.44
2 26 having in their possession and held for resale on the
2 27 effective date of an increase in the tax rate cigarettes, ~~or~~
2 28 little cigars, or tobacco products upon which the tax under
2 29 section 453A.6 or 453A.43 has been paid, unused cigarette tax
2 30 stamps which have been paid for under section 453A.8, ~~or~~
2 31 unused metered imprints which have been paid for under section
2 32 453A.12, or tobacco products for which the tax has not been
2 33 paid under section 453A.46 shall be subject to an inventory
2 34 tax on the items as provided in this section.

2 35 Sec. 5. Section 453A.43, subsections 1, 2, and 3, Code



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3 1 2007, are amended to read as follows:

3 2 1. a. A tax is imposed upon all tobacco products in this
3 3 state and upon any person engaged in business as a distributor
3 4 of tobacco products, at the rate of twenty-two percent of the
3 5 wholesale sales price of the tobacco products, except little
3 6 cigars as defined in section 453A.42.

3 7 b. In addition to the tax imposed under paragraph "a", a
3 8 tax is imposed upon all tobacco products in this state and
3 9 upon any person engaged in business as a distributor of
3 10 tobacco products, at the rate of thirty-three percent of the
3 11 wholesale sales price of the tobacco products, except little
3 12 cigars as defined in section 453A.42.

3 13 c. Little cigars shall be subject to the same rate of tax
3 14 imposed upon cigarettes in section 453A.6, payable at the time
3 15 and in the manner provided in section 453A.6; and stamps shall
3 16 be affixed as provided in division I of this chapter.

3 17 d. The ~~tax~~ taxes on tobacco products, excluding little
3 18 cigars, shall be imposed at the time the distributor does any
3 19 of the following:

3 20 ~~a.~~ (1) Brings, or causes to be brought, into this state
3 21 from without the state tobacco products for sale.

3 22 ~~b.~~ (2) Makes, manufactures, or fabricates tobacco
3 23 products in this state for sale in this state.

3 24 ~~c.~~ (3) Ships or transports tobacco products to retailers
3 25 in this state, to be sold by those retailers.

3 26 2. a. A tax is imposed upon the use or storage by
3 27 consumers of tobacco products in this state, and upon the
3 28 consumers, at the rate of twenty-two percent of the cost of
3 29 the tobacco products.

3 30 b. In addition to the tax imposed in paragraph "a", a tax
3 31 is imposed upon the use or storage by consumers of tobacco
3 32 products in this state, and upon the consumers, at a rate of
3 33 thirty-three percent of the cost of the tobacco products.

3 34 c. The ~~tax~~ taxes imposed by this subsection shall not
3 35 apply if the ~~tax~~ taxes imposed by subsection 1 on the tobacco



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4 1 products ~~has~~ have been paid.
4 2 d. This tax The taxes imposed under this subsection shall
4 3 not apply to the use or storage of tobacco products in
4 4 quantities of:
4 5 ~~a.~~ (1) Less than 25 cigars.
4 6 ~~b.~~ (2) Less than 10 oz. snuff or snuff powder.
4 7 ~~c.~~ (3) Less than 1 lb. smoking or chewing tobacco or
4 8 other tobacco products not specifically mentioned herein, in
4 9 the possession of any one consumer, except as provided in
4 10 section 453A.40.

4 11 3. Any tobacco product with respect to which a tax has
4 12 once been imposed under this division shall not again be
4 13 subject to tax under said division, except as provided in
4 14 section 453A.40.

4 15 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
4 16 immediate importance, takes effect on the first day of the
4 17 second month that begins following enactment of this Act.

4 18 EXPLANATION

4 19 This bill relates to an increase in the taxes imposed on
4 20 cigarettes and tobacco products and to the deposit of the
4 21 increased revenue generated in the healthy Iowans tobacco
4 22 trust.

4 23 The bill imposes a tax on cigarettes, in addition to the
4 24 tax of 18 mills (1.8 cents) imposed on each cigarette, of 7.65
4 25 cents on each cigarette. The effect of the bill is to
4 26 increase the tax on a pack of 20 cigarettes from 36 cents per
4 27 pack to \$1.53 per pack.

4 28 The bill also imposes a tax on tobacco products, in
4 29 addition to the 22 percent of the wholesale sales price for
4 30 distributors and 22 percent of the cost of tobacco products
4 31 for the use or storage by consumers of tobacco products, of 33
4 32 percent of the wholesale sales price and the cost.

4 33 The bill also provides for payment of the inventory tax by
4 34 all persons required to obtain a permit as a distributor,
4 35 wholesaler, or retailer of cigarettes or to be licensed as a



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5 1 distributor or subjobber of tobacco products having in their
5 2 possession and holding for resale on the effective date of an
5 3 increase in the tax rate, cigarettes, little cigars, or
5 4 tobacco products upon which the tax has been paid, unused
5 5 cigarette tax stamps which have been paid for, unused metered
5 6 imprints which have been paid for, or tobacco products for
5 7 which the tax has not been paid.
5 8 The bill provides that the additional revenue generated
5 9 (the 7.65 cents per cigarette and the 33 percent on tobacco
5 10 products) is to be deposited in the healthy Iowans tobacco
5 11 trust and used specifically for health care and tobacco use
5 12 prevention, cessation, and control. The section of the bill
5 13 relating to the tax increase on cigarettes and tobacco
5 14 products takes effect on the first day of the second month
5 15 that begins following enactment.
5 16 LSB 2298HH 82
5 17 pf:rj/gg/14



Iowa General Assembly
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February 15, 2007

House File 396 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 18)

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

A BILL FOR

- 1 An Act expanding the scope of services under an existing
- 2 appropriation for the community empowerment initiative
- 3 involving preschool services and providing effective date and
- 4 applicability provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1261HV 82
- 7 jp/gg/14



Iowa General Assembly
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House File 396 - Introduced continued

PAG LIN

1 1 Section 1. 2006 Iowa Acts, chapter 1157, section 17,
1 2 subsection 2, is amended to read as follows:
1 3 2. Of the amount appropriated in subsection 1, \$5,500,000
1 4 is allocated to increase the funding designated for
1 5 distribution to community empowerment areas to assist
1 6 low-income parents with tuition for preschool and other
1 7 supportive services for children ages three, four, and five
1 8 who are not attending kindergarten in order to increase the
1 9 basic family income eligibility requirement to not more than
1 10 200 percent of the federal poverty level. In addition, if
1 11 sufficient funding is available after addressing the needs of
1 12 those who meet the basic income eligibility requirement, a
1 13 community empowerment area board may provide for eligibility
1 14 for those with a family income in excess of the basic income
1 15 eligibility requirement through use of a sliding scale or
1 16 other copayment provision.

1 17 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
1 18 Act, being deemed of immediate importance, takes effect upon
1 19 enactment, is retroactively applicable to July 1, 2006, and is
1 20 applicable on and after that date.

1 21 EXPLANATION

1 22 This bill expands the scope of services under an existing
1 23 appropriation for FY 2006=2007 made in 2006 Iowa Acts, chapter
1 24 1157, for the community empowerment initiative involving
1 25 preschool services. The bill expands the services to be
1 26 provided through the appropriation beyond preschool services
1 27 to also include other supportive services. The bill also
1 28 expands the four-year-old and five-year-old age range
1 29 addressed in the appropriation to also include three-year-old
1 30 children.

1 31 The bill takes effect upon enactment and is retroactively
1 32 applicable to July 1, 2006.

1 33 LSB 1261HV 82

1 34 jp:nh/gg/14



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House File 397 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 142)

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

A BILL FOR

- 1 An Act relating to the expenditures allowable from medical
- 2 assistance income trusts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1238HV 82
- 5 pf/je/5



Iowa General Assembly
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House File 397 - Introduced continued

PAG LIN

1 1 Section 1. Section 633C.3, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. Regardless of the terms of a medical assistance income
1 4 trust, if the beneficiary's total monthly income is less than
1 5 the average statewide charge for nursing facility services to
1 6 a private pay resident of a nursing facility, then, during the
1 7 life of the beneficiary, any property received or held by the
1 8 trust shall be expended only as follows, as applicable, and in
1 9 the following order of priority:

1 10 a. A reasonable amount may be paid or set aside each month
1 11 for necessary expenses of the trust, not to exceed ten dollars
1 12 per month without court approval.

1 13 b. From the remaining principal or income of the trust, ~~an~~
~~1 14 amount sufficient to bring the beneficiary's available income~~
~~1 15 up to three hundred percent of the benefit for an individual~~
~~1 16 under the federal supplemental security income program shall~~
~~1 17 be paid to or otherwise made available to the beneficiary on a~~
~~1 18 monthly basis, to be counted as income or a resource in~~
~~1 19 determining eligibility for medical assistance under chapter~~
~~1 20 249A amounts may be paid for expenses that qualify as required~~
~~1 21 deductions from income pursuant to 42 C.F.R. } 435.725(c) or~~
~~1 22 435.726(c) for purposes of determining the amount by which~~
~~1 23 medical assistance payments under chapter 249A for~~
~~1 24 institutional services or for home and community-based~~
~~1 25 services provided under a federal waiver will be reduced based~~
~~1 26 on the beneficiary's income.~~

1 27 c. If the beneficiary is an institutionalized individual
1 28 or receiving home and community-based services provided under
1 29 a federal waiver, the remaining principal or income of the
1 30 trust shall be paid directly to the provider of institutional
1 31 care or home and community-based services, on a monthly basis,
1 32 for any cost not paid ~~by the beneficiary from the~~
~~1 33 beneficiary's available income under paragraph "b"~~, to reduce
1 34 any amount paid as medical assistance under chapter 249A.

1 35 d. Any remaining principal or income of the trust may, at



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2 1 the trustee's discretion or as directed by the terms of the
2 2 trust, be paid directly to providers of other medical care or
2 3 services that would otherwise be covered by medical
2 4 assistance, paid to the state as reimbursement for medical
2 5 assistance paid on behalf of the beneficiary, or retained by
2 6 the trust.

2 7 EXPLANATION

2 8 This bill relates to the allowable expenditures from
2 9 medical assistance income trusts. The bill eliminates the
2 10 limit on the amount of income that is available to individuals
2 11 under medical assistance income trusts and special needs
2 12 trusts while retaining their eligibility for medical
2 13 assistance, if the individual's total monthly income is less
2 14 than the average statewide charge for the type of care the
2 15 individual requires. The levels of care to which the bill
2 16 applies, including home and community-based services, are
2 17 nursing facility care including specialized services, care
2 18 provided through an intermediate care facility for persons
2 19 with mental retardation, care provided through a psychiatric
2 20 medical institution for children, and care provided in a state
2 21 mental health institute.

2 22 Current law limits the disbursement to the individual as
2 23 income to an amount sufficient to bring the individual's
2 24 available income up to three hundred percent of the benefit
2 25 for an individual under the federal supplemental security
2 26 income program. Under the bill, the individual would have
2 27 access to all of the individual's income for the purpose of
2 28 allowable expenses, which are expenses that are allowed as
2 29 deductions in determining client participation such as the
2 30 personal needs allowance, spousal and dependent allowances,
2 31 and unmet medical expenses. Any excess income above the
2 32 allowable expenses would then be applied toward payment of
2 33 providers of facility or home and community-based services,
2 34 toward payment of other providers of medical care or services
2 35 that would otherwise be covered by medical assistance, toward



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3 1 payment to the state for reimbursement for medical assistance
3 2 paid on behalf of the individual, or would be retained by the
3 3 trust.
3 4 LSB 1238HV 82
3 5 pf:nh/je/5



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House File 398 - Introduced

HOUSE FILE
BY STRUYK and HUSER

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

A BILL FOR

- 1 An Act exempting a resident of a state medical institution from
- 2 prosecution for the criminal offense of willful injury.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1499YH 82
- 5 jm/gg/14



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House File 398 - Introduced continued

PAG LIN

1 1 Section 1. Section 708.4, Code 2007, is amended by adding
1 2 the following new unnumbered paragraph after subsection 2:
1 3 NEW UNNUMBERED PARAGRAPH. A person who is a resident of a
1 4 state medical institution as defined in section 219.1 shall
1 5 not be prosecuted under this section.

1 6 EXPLANATION

1 7 This bill relates to the criminal offense of willful
1 8 injury. The bill exempts from prosecution a resident of a
1 9 state medical institution as defined in Code section 219.1, if
1 10 the resident is alleged to have committed willful injury in
1 11 violation of Code section 708.4.

1 12 The Code defines willful injury to mean any person who does
1 13 an unjustified act which is intended to cause serious injury
1 14 and the person causes serious injury (class "C" felony) or
1 15 causes bodily injury (class "D" felony).

1 16 A class "C" felony is punishable by confinement for no more
1 17 than 10 years and a fine of at least \$1,000 but not more than
1 18 \$10,000. A class "D" felony is punishable by confinement for
1 19 no more than five years and a fine of at least \$750 but not
1 20 more than \$7,500.

1 21 LSB 1499YH 82

1 22 jm:nh/gg/14



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House File 399 - Introduced

HOUSE FILE
BY HUNTER

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

A BILL FOR

1 An Act providing for late voter registration to enable an
2 eligible elector to vote in-person absentee or at the polling
3 place on election day.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1675HH 82
6 sc/es/88



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1 1 Section 1. NEW SECTION. 48A.7A ELECTION DAY AND
1 2 IN=PERSON ABSENTEE REGISTRATION.
1 3 1. a. A person who is eligible to register to vote and to
1 4 vote may register on election day by appearing in person at
1 5 the polling place for the precinct in which the individual
1 6 resides and completing a voter registration application,
1 7 making written oath, and providing proof of identity and
1 8 residence.
1 9 b. For purposes of this section, a person may establish
1 10 identity and residence by presenting to the appropriate
1 11 precinct election official a current and valid Iowa driver's
1 12 license or Iowa nonoperator's identification card or by
1 13 presenting a current and valid form of photographic
1 14 identification approved by rule by the state registrar of
1 15 voters. If the photographic identification presented does not
1 16 contain the person's current address in the precinct, the
1 17 person shall also present a current document that shows the
1 18 person's name and address in the precinct. The state
1 19 registrar of voters by rule shall designate which documents
1 20 are acceptable to show proof of residency.
1 21 c. In lieu of paragraph "b", a person wishing to vote may
1 22 establish identity and residency in the precinct by written
1 23 oath of a person who is registered to vote in the precinct.
1 24 The registered voter's oath shall attest to the stated
1 25 identity of the person wishing to vote and that the person is
1 26 a current resident of the precinct. The oath must be signed
1 27 by the attesting registered voter in the presence of the
1 28 appropriate precinct election official. A registered voter
1 29 who has signed an oath on election day attesting to a person's
1 30 identity and residency as provided in this paragraph is
1 31 prohibited from signing any further oaths as provided in this
1 32 paragraph on that day.
1 33 2. The oath required in subsection 1, paragraph "a", and
1 34 in paragraph "c", if applicable, shall be attached to the
1 35 voter registration application, and the information contained



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2 1 in the oath shall be recorded on the voter registration
2 2 records of the person registering to vote and on the voter
2 3 registration records of the registered voter attesting by oath
2 4 on behalf of a person registering to vote if applicable.

2 5 3. At any time before election day, a person who appears
2 6 in person at the commissioner's office or at a satellite
2 7 absentee voting station after the deadline for registration in
2 8 section 48A.9, may register to vote and vote an absentee
2 9 ballot by following the procedure in this section for
2 10 registering to vote on election day. A person who wishes to
2 11 vote in person at the polling place on election day and who
2 12 has not registered to vote before the deadline for registering
2 13 in section 48A.9, is required to register to vote at the
2 14 polling place on election day following the procedure in this
2 15 section.

2 16 4. The form of the written oaths required in this section
2 17 shall be prescribed by rule by the state registrar of voters.

2 18 Sec. 2. Section 48A.9, subsection 1, Code 2007, is amended
2 19 to read as follows:

2 20 1. Registration closes at five p.m. eleven days before
2 21 each election except primary and general elections. For
2 22 primary and general elections, registration closes at five
2 23 p.m. ten days before the election. An eligible elector may
2 24 register during the time registration is closed in the
2 25 elector's precinct but the registration shall not become
2 26 effective until registration opens again in the elector's
2 27 precinct, except as otherwise provided in section 48A.7A.

2 28 Sec. 3. NEW SECTION. 48A.26A ACKNOWLEDGMENT OF ELECTION
2 29 DAY AND IN=PERSON ABSENTEE REGISTRATION FORM.

2 30 1. Within forty=five days of receiving a voter
2 31 registration form completed under section 48A.7A, the
2 32 commissioner shall send an acknowledgment to the registrant,
2 33 in the manner provided in section 48A.26, subsections 2
2 34 through 5, as applicable, at the mailing address shown on the
2 35 registration form. The acknowledgment shall be sent by



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3 1 nonforwardable mail.

3 2 2. If the acknowledgment is returned as undeliverable by
3 3 the postal service, the commissioner shall attempt to contact
3 4 the voter by forwardable mail. If the voter does not respond,
3 5 the commissioner shall cancel the registration and shall
3 6 immediately notify the state registrar of voters and the
3 7 county attorney.

3 8 Sec. 4. Section 49.77, subsection 4, Code 2007, is amended
3 9 to read as follows:

3 10 4. a. A person whose name does not appear on the election
3 11 register of the precinct in which that person claims the right
3 12 to vote shall not be permitted to vote, unless the person
3 13 affirms that the person is currently registered in the county
3 14 and presents proof of identity, or the commissioner informs
3 15 the precinct election officials that an error has occurred and
3 16 that the person is a registered voter of that precinct. If
3 17 the commissioner finds no record of the person's registration
3 18 but the person insists that the person is a registered voter
3 19 of that precinct, the precinct election officials shall allow
3 20 the person to cast a ballot in the manner prescribed by
3 21 section 49.81.

3 22 b. If the voter informs the precinct election official
3 23 that the voter resides in the precinct and is not registered
3 24 to vote, the voter may register to vote pursuant to section
3 25 48A.7A and cast a ballot. If such a voter is unable to
3 26 establish identity and residency in the manner provided in
3 27 section 48A.7A, subsection 1, paragraph "b" or "c", the voter
3 28 shall be allowed to cast a ballot in the manner prescribed by
3 29 section 49.81.

3 30 c. A person who has been sent an absentee ballot by mail
3 31 but for any reason has not received it shall be permitted to
3 32 cast a ballot in person pursuant to section 53.19 and in the
3 33 manner prescribed by section 49.81.

3 34 EXPLANATION

3 35 This bill allows a person to register to vote after the



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4 1 normal statutory deadline for registration for an election and
4 2 to vote in that election.

4 3 The bill provides that a person eligible to register to
4 4 vote and to vote may register in person at the polling place
4 5 on election day by completing a voter registration form,
4 6 making written oath, and providing proof of identity and proof
4 7 of residency in the precinct. If the person does not have
4 8 such proof, the bill allows identity and residency in the
4 9 precinct to be established by written oath of a registered
4 10 voter of the precinct. The bill allows a person who cannot
4 11 establish identity and residency in the precinct by either of
4 12 these methods to vote a provisional ballot.

4 13 The bill also provides that at any time before election day
4 14 and after the normal deadline for registering to vote, a
4 15 person may vote absentee at the commissioner's office or at a
4 16 satellite absentee voting station by registering in the same
4 17 manner as registration may be accomplished on election day.

4 18 The bill requires the county commissioner of elections to
4 19 send acknowledgment of election day and in-person absentee
4 20 registrations within 45 days of receiving the voter
4 21 registration form. If the acknowledgment is returned as
4 22 undeliverable, the commissioner is required to attempt contact
4 23 by forwardable mail. If the voter does not respond, the
4 24 commissioner is required to cancel the registration and
4 25 immediately notify the state registrar of voters (secretary of
4 26 state) and the county attorney.

4 27 LSB 1675HH 82

4 28 sc:nh/es/88.1



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House File 400 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 162)

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

A BILL FOR

1 An Act authorizing the formation of a professional corporation or
2 a professional limited liability company by licensed real
3 estate brokers.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2159HV 82
6 rn/es/88



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1 1 Section 1. Section 490A.1501, subsection 4, Code 2007, is
1 2 amended to read as follows:

1 3 4. "Profession" means the profession of certified public
1 4 accountancy, architecture, chiropractic, dentistry, physical
1 5 therapy, psychology, professional engineering, land surveying,
1 6 landscape architecture, law, medicine and surgery, optometry,
1 7 osteopathy, osteopathic medicine and surgery, accounting
1 8 practitioner, podiatry, real estate brokerage, speech
1 9 pathology, audiology, veterinary medicine, pharmacy, nursing,
1 10 and marriage and family therapy, provided that the marriage
1 11 and family therapist is licensed under chapters 147 and 154D.

1 12 Sec. 2. Section 496C.2, subsection 4, Code 2007, is
1 13 amended to read as follows:

1 14 4. "Profession" means the profession of certified public
1 15 accountancy, architecture, chiropractic, dentistry, physical
1 16 therapy, psychology, professional engineering, land surveying,
1 17 landscape architecture, law, medicine and surgery, optometry,
1 18 osteopathy, osteopathic medicine and surgery, accounting
1 19 practitioner, podiatry, real estate brokerage, speech
1 20 pathology, audiology, veterinary medicine, pharmacy and the
1 21 practice of nursing.

1 22 Sec. 3. Section 543B.2, Code 2007, is amended to read as
1 23 follows:

1 24 543B.2 INDIVIDUAL LICENSES NECESSARY.

1 25 A partnership, association, ~~or~~ corporation, professional
1 26 corporation, or professional limited liability company shall
1 27 not be granted a license, unless every member or officer of
1 28 the partnership, association, ~~or~~ corporation, professional
1 29 corporation, or professional limited liability company who
1 30 actively participates in the brokerage business of the
1 31 partnership, association, ~~or~~ corporation, professional
1 32 corporation, or limited liability company holds a license as a
1 33 real estate broker or salesperson, and unless every employee
1 34 who acts as a salesperson for the partnership, association, ~~or~~
1 35 corporation, professional corporation, or professional limited



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2 1 liability company holds a license as a real estate broker or
2 2 salesperson. At least one member or officer of each
2 3 partnership, association, ~~or~~ corporation, professional
2 4 corporation, or professional limited liability company shall
2 5 be a real estate broker.

2 6 Sec. 4. Section 543B.5, subsection 18, Code 2007, is
2 7 amended to read as follows:

2 8 18. "Person" means an individual, partnership,
2 9 association, ~~or~~ corporation, professional corporation, or
2 10 professional limited liability company.

2 11 Sec. 5. Section 543B.31, Code 2007, is amended to read as
2 12 follows:

2 13 543B.31 PLACE OF BUSINESS.

2 14 Every real estate broker, except as provided in section
2 15 543B.22, shall maintain a place of business in this state. If
2 16 the real estate broker maintains more than one place of
2 17 business within the state, a duplicate license shall be issued
2 18 to such broker for each branch office maintained. Provided,
2 19 that if such broker be a copartnership, association, ~~or~~
2 20 corporation, professional corporation, or professional limited
2 21 liability company a duplicate shall be issued to the members
2 22 or officers thereof, and a fee determined by the real estate
2 23 commission in each case shall be paid for each duplicate
2 24 license.

2 25 Sec. 6. Section 543B.46, subsection 6, Code 2007, is
2 26 amended to read as follows:

2 27 6. The commission shall verify on a test basis, a random
2 28 sampling of the brokers, corporations, professional
2 29 corporations, professional limited liability companies, and
2 30 partnerships for their trust account compliance. The
2 31 commission may upon reasonable cause, or as a part of or after
2 32 an investigation, request or order a special report.

2 33 EXPLANATION

2 34 This bill provides for the inclusion of real estate brokers
2 35 in the list of professions authorized to form a professional



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3 1 limited liability company in Code section 490A.1501 and a
3 2 professional corporation in Code section 496C.2. The bill
3 3 makes conforming changes to Code chapter 543B, which provides
3 4 for the licensing of real estate brokers.
3 5 LSB 2159HV 82
3 6 rn:nh/es/88



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House File 401

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 20)

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

A BILL FOR

- 1 An Act renaming health-related examining boards as licensing
- 2 boards.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1207HV 82
- 5 jr/je/5



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1 1 Section 1. Section 3.20, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. The ~~examining~~ licensing board shall pursue a meaningful
1 4 examination and enforcement procedure which upholds the level
1 5 of competency of the licensee to insure that the public
1 6 interest is protected.

1 7 Sec. 2. Section 7E.4, subsection 2, Code 2007, is amended
1 8 to read as follows:

1 9 2. a. "Board" means a policymaking or rulemaking body
1 10 that has the power to hear contested cases.

1 11 b. ~~A policymaking body that has powers for both rulemaking
1 12 and hearing contested cases shall be termed a "board".~~

1 13 "Board" includes a professional licensing board which sets
1 14 standards of professional competence and conduct for the
1 15 profession or occupation under its supervision, which may
1 16 prepare and grade the examinations of prospective new
1 17 practitioners when authorized by law, which may issue licenses
1 18 when authorized by law, which investigates complaints of
1 19 alleged unprofessional conduct, and which performs other
1 20 functions assigned to it by law.

1 21 Sec. 3. Section 7E.4, subsection 8, Code 2007, is amended
1 22 by striking the subsection.

1 23 Sec. 4. Section 8A.101, subsection 1, unnumbered paragraph
1 24 1, Code 2007, is amended to read as follows:

1 25 "Agency" or "state agency" means a unit of state
1 26 government, which is an authority, board, commission,
1 27 committee, council, department, examining or licensing board,
1 28 or independent agency as defined in section 7E.4, including
1 29 but not limited to each principal central department
1 30 enumerated in section 7E.5. However, "agency" or "state
1 31 agency" does not mean any of the following:

1 32 Sec. 5. Section 8F.2, subsection 1, Code 2007, is amended
1 33 to read as follows:

1 34 1. "Agency" means a unit of state government, which is an
1 35 authority, board, commission, committee, council, department,



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2 1 examining or licensing board, or independent agency as defined
2 2 in section 7E.4, including but not limited to each principal
2 3 central department enumerated in section 7E.5. However,
2 4 "agency" does not mean the Iowa public employees' retirement
2 5 system created under chapter 97B, the public broadcasting
2 6 division of the department of education created under section
2 7 256.81, the statewide fire and police retirement system
2 8 created under chapter 411, or an agricultural commodity
2 9 promotion board subject to a producer referendum.

2 10 Sec. 6. Section 10A.402, subsection 1, Code 2007, is
2 11 amended to read as follows:

2 12 1. Investigations relative to the practice of regulated
2 13 professions and occupations, except those within the
2 14 jurisdiction of the board of ~~medical examiners~~ medicine, the
2 15 board of pharmacy ~~examiners~~, the board of ~~dental examiners~~
2 16 dentistry, and the board of nursing.

2 17 Sec. 7. Section 80.33, Code 2007, is amended to read as
2 18 follows:

2 19 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

2 20 A person required by law to keep records, and a carrier
2 21 maintaining records with respect to any shipment containing
2 22 any controlled or counterfeit substances shall, upon request
2 23 of an authorized peace officer of the department, designated
2 24 by the commissioner, permit such peace officer at reasonable
2 25 times to have access to and copy such records. For the
2 26 purpose of examining and verifying such records, an authorized
2 27 peace officer of the department, designated by the
2 28 commissioner, may enter at reasonable times any place or
2 29 vehicle in which any controlled or counterfeit substance is
2 30 held, manufactured, dispensed, compounded, processed, sold,
2 31 delivered, or otherwise disposed of and inspect such place or
2 32 vehicle and the contents of such place or vehicle. For the
2 33 purpose of enforcing laws relating to controlled or
2 34 counterfeit substances, and upon good cause shown, a peace
2 35 officer of the department shall be allowed to inspect audits



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3 1 and records in the possession of the ~~state~~ board of pharmacy
3 2 ~~examiners~~.

3 3 Sec. 8. Section 124.101, subsection 3, Code 2007, is
3 4 amended to read as follows:

3 5 3. "Board" means the ~~state~~ board of pharmacy ~~examiners~~.

3 6 Sec. 9. Section 124.204, subsection 4, paragraph m, Code
3 7 2007, is amended to read as follows:

3 8 m. Marijuana, except as otherwise provided by rules of the
3 9 board of ~~pharmacy examiners~~ for medicinal purposes.

3 10 Sec. 10. Section 124.204, subsection 4, paragraph u,
3 11 unnumbered paragraph 1, Code 2007, is amended to read as
3 12 follows:

3 13 Tetrahydrocannabinols, except as otherwise provided by
3 14 rules of the board of ~~pharmacy examiners~~ for medicinal
3 15 purposes. Synthetic equivalents of the substances contained
3 16 in the plant, or in the resinous extractives of Cannabis sp.,
3 17 and synthetic substances, derivatives, and their isomers with
3 18 similar chemical structure and pharmacological activity such
3 19 as the following:

3 20 Sec. 11. Section 124.204, subsection 7, Code 2007, is
3 21 amended to read as follows:

3 22 7. EXCLUSIONS. This section does not apply to marijuana,
3 23 tetrahydrocannabinols or chemical derivatives of
3 24 tetrahydrocannabinol when utilized for medicinal purposes
3 25 pursuant to rules of the ~~state~~ board of ~~pharmacy examiners~~.

3 26 Sec. 12. Section 124.206, subsection 7, paragraph a, Code
3 27 2007, is amended to read as follows:

3 28 a. Marijuana when used for medicinal purposes pursuant to
3 29 rules of the board of ~~pharmacy examiners~~.

3 30 Sec. 13. Section 124.206, subsection 8, Code 2007, is
3 31 amended to read as follows:

3 32 8. The board of ~~pharmacy examiners~~, by rule, may except
3 33 any compound, mixture, or preparation containing any stimulant
3 34 listed in subsection 4 from the application of all or any part
3 35 of this chapter if the compound, mixture, or preparation



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4 1 contains one or more active medicinal ingredients not having a
4 2 stimulant effect on the central nervous system, and if the
4 3 admixtures are included in such combinations, quantity,
4 4 proportion, or concentration as to vitiate the potential for
4 5 abuse of the substances which have a stimulant or depressant
4 6 effect on the central nervous system.

4 7 Sec. 14. Section 124A.2, subsection 4, Code 2007, is
4 8 amended to read as follows:

4 9 4. "Imitation controlled substance" means a substance
4 10 which is not a controlled substance but which by color, shape,
4 11 size, markings, and other aspects of dosage unit appearance,
4 12 and packaging or other factors, appears to be or resembles a
4 13 controlled substance.

4 14 The ~~state~~ board of pharmacy ~~examiners~~ may designate a
4 15 substance as an imitation controlled substance pursuant to the
4 16 board's rulemaking authority and in accordance with chapter
4 17 17A.

4 18 Sec. 15. Section 124A.3, unnumbered paragraph 1, Code
4 19 2007, is amended to read as follows:

4 20 When a substance has not been designated as an imitation
4 21 controlled substance by the ~~state~~ board of pharmacy ~~examiners~~
4 22 and when dosage unit appearance alone does not establish that
4 23 a substance is an imitation controlled substance the following
4 24 factors may be considered in determining whether the substance
4 25 is an imitation controlled substance:

4 26 Sec. 16. Section 124B.1, Code 2007, subsection 1, is
4 27 amended to read as follows:

4 28 1. "Board" means the board of pharmacy ~~examiners~~.

4 29 Sec. 17. Section 126.2, subsection 3, Code 2007, is
4 30 amended to read as follows:

4 31 3. "Board" means the board of pharmacy ~~examiners~~.

4 32 Sec. 18. Section 135.11, subsection 9, Code 2007, is
4 33 amended to read as follows:

4 34 9. Exercise sole jurisdiction over the disposal and
4 35 transportation of the dead bodies of human beings and



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5 1 prescribe the methods to be used in preparing such bodies for
5 2 disposal and transportation. However, the department may
5 3 approve a request for an exception to the application of
5 4 specific embalming and disposition rules adopted pursuant to
5 5 this subsection if such rules would otherwise conflict with
5 6 tenets and practices of a recognized religious denomination to
5 7 which the deceased individual adhered or of which denomination
5 8 the deceased individual was a member. The department shall
5 9 inform the board of mortuary science ~~examiners~~ of any such
5 10 approved exception which may affect services provided by a
5 11 funeral director licensed pursuant to chapter 156.

5 12 Sec. 19. Section 135.11A, Code 2007, is amended to read as
5 13 follows:

5 14 135.11A PROFESSIONAL LICENSURE DIVISION == OTHER LICENSING
5 15 BOARDS == EXPENSES == FEES.

5 16 There shall be a professional licensure division within the
5 17 department of public health. Each board ~~of examiners~~
5 18 ~~specified~~ under chapter 147 or under the administrative
5 19 authority of the department, except the ~~state~~ board of
5 20 nursing, ~~state~~ board of ~~medical examiners~~ medicine, ~~state~~
5 21 board of ~~dental examiners~~ dentistry, and ~~state~~ board of
5 22 pharmacy ~~examiners~~, shall receive administrative and clerical
5 23 support from the division and may not employ its own support
5 24 staff for administrative and clerical duties.

5 25 The professional licensure division and the licensing
5 26 boards may expend funds in addition to amounts budgeted, if
5 27 those additional expenditures are directly the result of
5 28 actual examination and exceed funds budgeted for examinations.
5 29 Before the division or a licensing board expends or encumbers
5 30 an amount in excess of the funds budgeted for examinations,
5 31 the director of the department of management shall approve the
5 32 expenditure or encumbrance. Before approval is given, the
5 33 department of management shall determine that the examination
5 34 expenses exceed the funds budgeted by the general assembly to
5 35 the division or board and the division or board does not have



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6 1 other funds from which examination expenses can be paid. Upon
6 2 approval of the department of management, the division or
6 3 licensing board may expend and encumber funds for excess
6 4 examination expenses. The amounts necessary to fund the
6 5 excess examination expenses shall be collected as fees from
6 6 additional examination applicants and shall be treated as
6 7 repayment receipts as defined in section 8.2.

6 8 Sec. 20. Section 135.24, subsection 2, paragraph a, Code
6 9 2007, is amended to read as follows:

6 10 a. Procedures for registration of health care providers
6 11 deemed qualified by the board of ~~medical examiners~~ medicine,
6 12 the board of physician ~~assistant examiners~~ assistants, the
6 13 board of ~~dental examiners~~ dentistry, the board of nursing, the
6 14 board of chiropractic ~~examiners~~, the board of psychology
6 15 ~~examiners~~, the board of social work ~~examiners~~, the board of
6 16 behavioral science ~~examiners~~, the board of pharmacy ~~examiners~~,
6 17 the board of optometry ~~examiners~~, the board of podiatry
6 18 ~~examiners~~, the board of physical and occupational therapy
6 19 ~~examiners~~, the ~~state~~ board for respiratory care, and the Iowa
6 20 department of public health, as applicable.

6 21 Sec. 21. Section 135.31, Code 2007, is amended to read as
6 22 follows:

6 23 135.31 LOCATION OF BOARDS == RULEMAKING.

6 24 The offices for the ~~state~~ board of ~~medical examiners~~
6 25 medicine, the ~~state~~ board of pharmacy ~~examiners~~, the ~~state~~
6 26 board of nursing, and the ~~state~~ board of ~~dental examiners~~
6 27 dentistry shall be located within the department of public
6 28 health. The individual boards shall have policymaking and
6 29 rulemaking authority.

6 30 Sec. 22. Section 135M.3, subsection 1, Code 2007, is
6 31 amended to read as follows:

6 32 1. The department, in cooperation with the board of
6 33 pharmacy ~~examiners~~, may establish and maintain a prescription
6 34 drug donation repository program under which any person may
6 35 donate prescription drugs and supplies for use by an



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7 1 individual who meets eligibility criteria specified by the
7 2 department by rule. The department may contract with a third
7 3 party to implement and administer the program.

7 4 Sec. 23. Section 136C.3, subsection 2, unnumbered
7 5 paragraph 1, Code 2007, is amended to read as follows:

7 6 Establish minimum training standards including continuing
7 7 education requirements, and administer examinations and
7 8 disciplinary procedures for operators of radiation machines
7 9 and users of radioactive materials. A state of Iowa license
7 10 to practice medicine, osteopathy, chiropractic, podiatry,
7 11 dentistry, dental hygiene, or veterinary medicine, or
7 12 licensure as a physician assistant pursuant to chapter 148C,
7 13 or certification by the board of ~~dental examiners~~ dentistry in
7 14 dental radiography, or by the board of podiatry ~~examiners~~ in
7 15 podiatric radiography, or enrollment in a program or course of
7 16 study approved by the Iowa department of public health which
7 17 includes the application of radiation to humans satisfies the
7 18 minimum training standards for operation of radiation machines
7 19 only.

7 20 Sec. 24. Section 139A.8, subsection 4, paragraph a, Code
7 21 2007, is amended to read as follows:

7 22 a. The applicant, or if the applicant is a minor, the
7 23 applicant's parent or legal guardian, submits to the admitting
7 24 official a statement signed by a physician, advanced
7 25 registered nurse practitioner, or physician assistant who is
7 26 licensed by the board of ~~medical examiners~~ medicine, board of
7 27 nursing, or board of physician ~~assistant examiners~~ assistants
7 28 that the immunizations required would be injurious to the
7 29 health and well-being of the applicant or any member of the
7 30 applicant's family.

7 31 Sec. 25. Section 139A.22, subsections 1, 3, 6, and 7, Code
7 32 2007, are amended to read as follows:

7 33 1. A hospital shall adopt procedures requiring the
7 34 establishment of protocols applicable on a case-by-case basis
7 35 to a health care provider determined to be infected with HIV



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8 1 or HBV who ordinarily performs exposure-prone procedures as
8 2 determined by an expert review panel, within the hospital
8 3 setting. The protocols established shall be in accordance
8 4 with the recommendations issued by the centers for disease
8 5 control and prevention of the United States department of
8 6 health and human services. The expert review panel may be an
8 7 established committee of the hospital. The procedures may
8 8 provide for referral of the health care provider to the expert
8 9 review panel established by the department pursuant to
8 10 subsection 3 for establishment of the protocols. The
8 11 procedures shall require reporting noncompliance with the
8 12 protocols by a health care provider to the ~~examining~~ licensing
8 13 board with jurisdiction over the relevant health care
8 14 providers.

8 15 3. The department shall establish an expert review panel
8 16 to determine on a case-by-case basis under what circumstances,
8 17 if any, a health care provider determined to be infected with
8 18 HIV or HBV practicing outside the hospital setting or referred
8 19 to the panel by a hospital or health care facility may perform
8 20 exposure-prone procedures. If a health care provider
8 21 determined to be infected with HIV or HBV does not comply with
8 22 the determination of the expert review panel, the panel shall
8 23 report the noncompliance to the ~~examining~~ licensing board with
8 24 jurisdiction over the health care provider. A determination
8 25 of an expert review panel pursuant to this section is a final
8 26 agency action appealable pursuant to section 17A.19.

8 27 6. The board of ~~medical examiners~~ medicine, the board of
8 28 physician ~~assistant examiners~~ assistants, the board of
8 29 podiatry ~~examiners~~, the board of nursing, the board of ~~dental~~
8 30 ~~examiners~~ dentistry, and the board of optometry ~~examiners~~
8 31 shall require that licensees comply with the recommendations
8 32 issued by the centers for disease control and prevention of
8 33 the United States department of health and human services for
8 34 preventing transmission of human immunodeficiency virus and
8 35 hepatitis B virus to patients during exposure-prone invasive
9 1 procedures, with the recommendations of the expert review
9 2 panel established pursuant to subsection 3, with hospital
9 3 protocols established pursuant to subsection 1, and with
9 4 health care facility procedures established pursuant to
9 5 subsection 2, as applicable.

9 6 7. Information relating to the HIV status of a health care
9 7 provider is confidential and subject to the provisions of
9 8 section 141A.9. A person who intentionally or recklessly
9 9 makes an unauthorized disclosure of such information is
9 10 subject to a civil penalty of one thousand dollars. The
9 11 attorney general or the attorney general's designee may
9 12 maintain a civil action to enforce this section. Proceedings
9 13 maintained under this section shall provide for the anonymity
9 14 of the health care provider and all documentation shall be
9 15 maintained in a confidential manner. Information relating to
9 16 the HBV status of a health care provider is confidential and
9 17 shall not be accessible to the public. Information regulated
9 18 by this section, however, may be disclosed to members of the
9 19 expert review panel established by the department or a panel
9 20 established by hospital protocol under this section. The
9 21 information may also be disclosed to the appropriate ~~examining~~



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9 22 licensing board by filing a report as required by this
9 23 section. The ~~examining~~ licensing board shall consider the
9 24 report a complaint subject to the confidentiality provisions
9 25 of section 272C.6. A licensee, upon the filing of a formal
9 26 charge or notice of hearing by the ~~examining~~ licensing board
9 27 based on such a complaint, may seek a protective order from
9 28 the board.

9 29 Sec. 26. Section 147.1, subsection 2, paragraphs b, c, and
9 30 f, Code 2007, are amended to read as follows:

9 31 b. ~~"Examining board"~~ "Board" shall mean one of the boards
9 32 enumerated in section 147.13 or any other board established in
9 33 this subtitle which is appointed by the governor to give
~~9 34 examinations to license applicants for licenses and impose~~
9 35 licensee discipline as authorized by law.



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10 1 c. "Licensed" or "certified" when applied to a physician
10 2 and surgeon, podiatric physician, osteopath, osteopathic
10 3 physician and surgeon, physician assistant, psychologist or
10 4 associate psychologist, chiropractor, nurse, dentist, dental
10 5 hygienist, optometrist, speech pathologist, audiologist,
10 6 pharmacist, physical therapist, occupational therapist,
10 7 respiratory care practitioner, practitioner of cosmetology
10 8 arts and sciences, practitioner of barbering, funeral
10 9 director, dietitian, marital and family therapist, mental
10 10 health counselor, social worker, massage therapist, athletic
10 11 trainer, acupuncturist, or ~~interpreter for the hearing~~
~~10 12 impaired sign language interpreter or transliterator~~ means a
10 13 person licensed under this subtitle.
10 14 f. "Profession" means medicine and surgery, podiatry,
10 15 osteopathy, osteopathic medicine and surgery, practice as a
10 16 physician assistant, psychology, chiropractic, nursing,
10 17 dentistry, dental hygiene, optometry, speech pathology,
10 18 audiology, pharmacy, physical therapy, occupational therapy,
10 19 respiratory care, cosmetology arts and sciences, barbering,
10 20 mortuary science, marital and family therapy, mental health
10 21 counseling, social work, dietetics, massage therapy, athletic
10 22 training, acupuncture, or ~~interpreting for the hearing~~
~~10 23 impaired sign language interpreting or transliterating.~~
10 24 Sec. 27. Section 147.1, subsection 2, paragraph e,
10 25 subparagraph (4), Code 2007, is amended to read as follows:
10 26 (4) ~~An examining~~ A board enumerated in section 147.13 or
10 27 any other board established in this subtitle which is
10 28 appointed by the governor to license applicants and impose
10 29 licensee discipline as authorized by law.
10 30 Sec. 28. Section 147.2, unnumbered paragraph 1, Code 2007,
10 31 is amended to read as follows:
10 32 A person shall not engage in the practice of medicine and
10 33 surgery, podiatry, osteopathy, osteopathic medicine and
10 34 surgery, psychology, chiropractic, physical therapy, nursing,
10 35 dentistry, dental hygiene, optometry, speech pathology,



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11 1 audiology, occupational therapy, respiratory care, pharmacy,
11 2 cosmetology, barbering, social work, dietetics, marital and
11 3 family therapy or mental health counseling, massage therapy,
11 4 mortuary science, athletic training, acupuncture, or
11 5 ~~interpreting for the hearing impaired sign language~~
11 6 interpreting or transliterating, or shall not practice as a
11 7 physician assistant as defined in the following chapters of
11 8 this subtitle, unless the person has obtained from the
11 9 department a license for that purpose.
11 10 Sec. 29. Section 147.5, unnumbered paragraph 1, Code 2007,
11 11 is amended to read as follows:
11 12 Every license to practice a profession shall be in the form
11 13 of a certificate under the seal of the department, signed by
11 14 the director of public health. Such license shall be issued
11 15 in the name of the ~~examining~~ licensing board which conducts
11 16 examinations for that particular profession.
11 17 Sec. 30. Section 147.11, Code 2007, is amended to read as
11 18 follows:
11 19 147.11 REINSTATEMENT.
11 20 Any licensee who allows the license to lapse by failing to
11 21 renew the same, as provided in section 147.10, may be
11 22 reinstated without examination upon recommendation of the
11 23 ~~examining~~ licensing board for the licensee's profession and
11 24 upon payment of the renewal fees then due.
11 25 Sec. 31. Section 147.12, Code 2007, is amended to read as
11 26 follows:
11 27 147.12 ~~EXAMINING~~ HEALTH PROFESSION BOARDS.
11 28 For the purpose of giving examinations to applicants for
11 29 licenses to practice the professions for which licenses are
11 30 required by this subtitle, the governor shall appoint, subject
11 31 to confirmation by the senate, a board ~~of examiners~~ for each
11 32 of the professions. The board members shall not be required
11 33 to be members of professional societies or associations
11 34 composed of members of their professions.
11 35 If a person who has been appointed by the governor to serve



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12 1 on ~~an examining~~ a board has ever been disciplined in a
12 2 contested case by the board to which the person has been
12 3 appointed, all board complaints and statements of charges,
12 4 settlement agreements, findings of fact, and orders pertaining
12 5 to the disciplinary action shall be made available to the
12 6 senate committee to which the appointment is referred at the
12 7 committee's request before the full senate votes on the
12 8 person's appointment.

12 9 Sec. 32. Section 147.13, Code 2007, is amended to read as
12 10 follows:

12 11 147.13 DESIGNATION OF BOARDS.

12 12 The ~~examining~~ boards provided in section 147.12 shall be
12 13 designated as follows:

12 14 1. For medicine and surgery, osteopathy, osteopathic
12 15 medicine and surgery, and acupuncture, ~~medical examiners~~ the
12 16 board of medicine.

12 17 2. For physician assistants, the board of physician
12 18 ~~assistant examiners~~ assistants.

12 19 3. For psychology, the board of psychology ~~examiners.~~

12 20 4. For podiatry, the board of podiatry ~~examiners.~~

12 21 5. For chiropractic, the board of chiropractic ~~examiners.~~

12 22 6. For physical therapists and occupational therapists,
12 23 the board of physical and occupational therapy ~~examiners.~~

12 24 7. For nursing, the board of nursing.

12 25 8. For dentistry, dental hygiene, and dental assisting,
12 26 ~~dental examiners~~ the board of dentistry.

12 27 9. For optometry, the board of optometry ~~examiners.~~

12 28 10. For speech pathology and audiology, the board of
12 29 speech pathology and audiology ~~examiners.~~

12 30 11. For cosmetology arts and sciences, the board of
12 31 cosmetology arts and sciences ~~examiners.~~

12 32 12. For barbering, ~~barber examiners~~ the board of
12 33 barbering.

12 34 13. For pharmacy, the board of pharmacy ~~examiners.~~

12 35 14. For mortuary science, the board of mortuary science



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13 1 ~~examiners.~~
13 2 15. For social workers, the board of social work
13 3 ~~examiners.~~
13 4 16. For marital and family therapists and mental health
13 5 counselors, the board of behavioral science ~~examiners.~~
13 6 17. For dietetics, ~~dietetic examiners~~ the board of
13 7 dietetics.
13 8 18. For respiratory care therapists, the board of
13 9 respiratory care ~~examiners.~~
13 10 19. For massage therapists, the board of massage therapy
13 11 ~~examiners.~~
13 12 20. For athletic trainers, the board of athletic training
13 13 ~~examiners.~~
13 14 21. For interpreters, ~~interpreter for the hearing impaired~~
~~13 15 examiners~~ the board of sign language interpreters and
13 16 transliterators.
13 17 22. For hearing aids, the board of hearing aid ~~dispenser~~
~~13 18 examiners~~ dispensers.
13 19 23. For nursing home administrators, the board of nursing
13 20 home administrators ~~examiners.~~
13 21 Sec. 33. Section 147.14, Code 2007, is amended to read as
13 22 follows:
13 23 147.14 COMPOSITION OF BOARDS.
13 24 The ~~boards of examiners~~ board members shall consist of the
13 25 following:
13 26 1. For barbering, three members licensed to practice
13 27 barbering, and two members who are not licensed to practice
13 28 barbering and who shall represent the general public. A
13 29 quorum shall consist of a majority of the members of the
13 30 board.
13 31 2. For ~~medical examiners~~ medicine, five members licensed
13 32 to practice medicine and surgery, two members licensed to
13 33 practice osteopathic medicine and surgery, and three members
13 34 not licensed to practice either medicine and surgery or
13 35 osteopathic medicine and surgery, and who shall represent the



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14 1 general public. A majority of members of the board
14 2 constitutes a quorum.

14 3 3. For ~~the board of~~ nursing, four registered nurses, two
14 4 of whom shall be actively engaged in practice, two of whom
14 5 shall be nurse educators from nursing education programs; of
14 6 these, one in higher education and one in area community and
14 7 vocational=technical registered nurse education; one licensed
14 8 practical nurse actively engaged in practice; and two members
14 9 not registered nurses or licensed practical nurses and who
14 10 shall represent the general public. The representatives of
14 11 the general public shall not be members of health care
14 12 delivery systems. A majority of the members of the board
14 13 constitutes a quorum.

14 14 4. For ~~dental examiners~~ dentistry, five members ~~shall be~~
14 15 licensed to practice dentistry, two members ~~shall be~~ licensed
14 16 to practice dental hygiene, and two members not licensed to
14 17 practice dentistry or dental hygiene and who shall represent
14 18 the general public. A majority of the members of the board
14 19 shall constitute a quorum. No member of the dental faculty of
14 20 the school of dentistry at the state university of Iowa shall
14 21 be eligible to be appointed. ~~Beginning January 1, 2000,~~
14 22 ~~persons~~ Persons appointed to the board as dental hygienist
14 23 members shall not be employed by or receive any form of
14 24 remuneration from a dental or dental hygiene educational
14 25 institution. The two dental hygienist board members and one
14 26 dentist board member shall constitute a dental hygiene
14 27 committee of the board as provided in section 153.33A.

14 28 5. For pharmacy ~~examiners~~, five members licensed to
14 29 practice pharmacy and two members who are not licensed to
14 30 practice pharmacy and who shall represent the general public.
14 31 A majority of the members of the board shall constitute a
14 32 quorum.

14 33 6. For optometry ~~examiners~~, five members licensed to
14 34 practice optometry and two members who are not licensed to
14 35 practice optometry and who shall represent the general public.



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15 1 A majority of the members of the board shall constitute a
15 2 quorum.

15 3 7. For psychology ~~examiners~~, five members who are licensed
15 4 to practice psychology and two members not licensed to
15 5 practice psychology and who shall represent the general
15 6 public. Of the five members who are licensed to practice
15 7 psychology, one member shall be primarily engaged in graduate
15 8 teaching in psychology, two members shall be persons who
15 9 render services in psychology, one member shall represent
15 10 areas of applied psychology and may be affiliated with
15 11 training institutions and shall devote a major part of the
15 12 member's time to rendering service in psychology, and one
15 13 member shall be primarily engaged in research psychology. A
15 14 majority of the members of the board constitutes a quorum.

15 15 8. For chiropractic ~~examiners~~, five members licensed to
15 16 practice chiropractic and two members who are not licensed to
15 17 practice chiropractic and who shall represent the general
15 18 public. A majority of the members of the board shall
15 19 constitute a quorum.

15 20 9. For speech pathology and audiology ~~examiners~~, five
15 21 members licensed to practice speech pathology or audiology at
15 22 least two of which shall be licensed to practice speech
15 23 pathology and at least two of which shall be licensed to
15 24 practice audiology, and two members who are not licensed to
15 25 practice speech pathology or audiology and who shall represent
15 26 the general public. A majority of the members of the board
15 27 shall constitute a quorum.

15 28 10. For physical therapy and occupational therapy, three
15 29 members licensed to practice physical therapy, two members
15 30 licensed to practice occupational therapy, and two members who
15 31 are not licensed to practice physical therapy or occupational
15 32 therapy and who shall represent the general public. A quorum
15 33 shall consist of a majority of the members of the board.

15 34 11. For ~~dietetic examiners~~ dietetics, one licensed
15 35 dietitian representing the approved or accredited dietetic



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16 1 education programs, one licensed dietitian representing
16 2 clinical dietetics in hospitals, one licensed dietitian
16 3 representing community nutrition services and two members who
16 4 are not licensed dietitians and who shall represent the
16 5 general public. A majority of the members of the board
16 6 constitutes a quorum.

16 7 12. For the board of physician ~~assistant-examiners~~
16 8 assistants, three members licensed to practice as physician
16 9 assistants, at least two of whom practice in counties with a
16 10 population of less than fifty thousand, one member licensed to
16 11 practice medicine and surgery who supervises a physician
16 12 assistant, one member licensed to practice osteopathic
16 13 medicine and surgery who supervises a physician assistant, and
16 14 two members who are not licensed to practice either medicine
16 15 and surgery or osteopathic medicine and surgery or licensed as
16 16 a physician assistant and who shall represent the general
16 17 public. At least one of the physician members shall be in
16 18 practice in a county with a population of less than fifty
16 19 thousand. A majority of members of the board constitutes a
16 20 quorum.

16 21 13. For behavioral science ~~examiners~~, three members
16 22 licensed to practice marital and family therapy, one of whom
16 23 shall be employed in graduate teaching, training, or research
16 24 in marital and family therapy and two of whom shall be
16 25 practicing marital and family therapists; three members
16 26 licensed to practice mental health counseling, one of whom
16 27 shall be employed in graduate teaching, training, or research
16 28 in mental health counseling and two of whom shall be
16 29 practicing mental health counselors; and three members who are
16 30 not licensed to practice marital and family therapy or mental
16 31 health counseling and who shall represent the general public.
16 32 A majority of the members of the board constitutes a quorum.

16 33 14. For cosmetology arts and sciences ~~examiners~~, a total
16 34 of seven members, three who are licensed cosmetologists, one
16 35 who is a licensed electrologist, esthetician, or nail



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17 1 technologist, one who is a licensed instructor of cosmetology
17 2 arts and sciences at a public or private school and who does
17 3 not own a school of cosmetology arts and sciences, and two who
17 4 are not licensed in a practice of cosmetology arts and
17 5 sciences and who shall represent the general public.

17 6 15. For respiratory care, one licensed physician with
17 7 training in respiratory care, three respiratory care
17 8 practitioners who have practiced respiratory care for a
17 9 minimum of six years immediately preceding their appointment
17 10 to the board and who are recommended by the society for
17 11 respiratory care, and one member not licensed to practice
17 12 medicine or respiratory care who shall represent the general
17 13 public. A majority of members of the board constitutes a
17 14 quorum.

17 15 16. For mortuary science ~~examiners~~, four members licensed
17 16 to practice mortuary science, one member owning, operating, or
17 17 employed by a crematory, and two members not licensed to
17 18 practice mortuary science and not a crematory owner, operator,
17 19 or employee who shall represent the general public. A
17 20 majority of the members of the board constitutes a quorum.

17 21 17. For massage therapists, four members licensed to
17 22 practice massage therapy and three members who are not
17 23 licensed to practice massage therapy and who shall represent
17 24 the general public. A majority of the members of the board
17 25 constitutes a quorum.

17 26 18. For athletic trainers, three members licensed to
17 27 practice athletic training, three members licensed to practice
17 28 medicine and surgery, and one member not licensed to practice
17 29 athletic training or medicine and surgery and who shall
17 30 represent the general public. A majority of the members of
17 31 the board constitutes a quorum.

17 32 19. For podiatry ~~examiners~~, five members licensed to
17 33 practice podiatry and two members who are not licensed to
17 34 practice podiatry and who shall represent the general public.
17 35 A majority of the members of the board shall constitute a



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18 1 quorum.

18 2 20. For social work ~~examiners~~, a total of seven members,
18 3 five who are licensed to practice social work, with at least
18 4 one from each of three levels of licensure described in
18 5 section 154C.3, subsection 1, two employed by a licensee under
18 6 chapter 237, and two who are not licensed social workers and
18 7 who shall represent the general public.

18 8 21. For sign language interpreting ~~for the hearing~~
~~18 9 impaired and transliterating~~, four members licensed to
18 10 practice interpreting and transliterating, three of whom shall
18 11 be practicing interpreters and transliterators at the time of
18 12 appointment to the board and at least one of whom is employed
18 13 in an educational setting; and three members who are consumers
18 14 of interpreting or transliterating services as defined in
18 15 section 154E.1, each of whom shall be deaf. A majority of
18 16 members of the board constitutes a quorum.

18 17 22. For hearing aid dispensers, three licensed hearing aid
18 18 dispensers and two members who are not licensed hearing aid
18 19 dispensers who shall represent the general public. A majority
18 20 of the members of the board constitutes a quorum.

18 21 23. For nursing home administrators, a total of nine
18 22 members: Four licensed nursing home administrators, one of
18 23 whom is the administrator of a nonproprietary nursing home;
18 24 three licensed members of any profession concerned with the
18 25 care and treatment of chronically ill or elderly patients who
18 26 are not nursing home administrators or nursing home owners;
18 27 and two members of the general public who are not licensed
18 28 under chapter 147, have no financial interest in any nursing
18 29 home, and who shall represent the general public. A majority
18 30 of the members of the board constitutes a quorum.

18 31 Sec. 34. Section 147.16, Code 2007, is amended to read as
18 32 follows:

18 33 147.16 ~~EXAMINERS~~ BOARD MEMBERS.

18 34 Each licensed ~~examiner~~ board member shall be actively
18 35 engaged in the practice or the instruction of the ~~examiner's~~
19 1 board member's profession and shall have been so engaged for a
19 2 period of five years just preceding the ~~examiner's~~ board
19 3 member's appointment, the last two of which shall be in this
19 4 state.

19 5 However, each licensed physician assistant member of the
19 6 board of physician ~~assistant examiners~~ assistants shall be
19 7 actively engaged in practice as a physician assistant and
19 8 shall have been so engaged for a period of three years just
19 9 preceding the member's appointment, the last year of which
19 10 shall be in this state.

19 11 Sec. 35. Section 147.18, Code 2007, is amended to read as
19 12 follows:

19 13 147.18 DISQUALIFICATIONS.

19 14 ~~No examiner~~ A board member shall not be connected in any
19 15 manner with any wholesale or jobbing house dealing in supplies
19 16 or have a financial interest in or be an instructor at a
19 17 proprietary school.

19 18 Sec. 36. Section 147.19, Code 2007, is amended to read as
19 19 follows:

19 20 147.19 TERMS OF OFFICE.

19 21 The board members shall serve three-year terms, which shall



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19 22 commence and end as provided by section 69.19. Any vacancy in
19 23 the membership of ~~an examining~~ a board shall be filled by
19 24 appointment of the governor subject to senate confirmation. A
19 25 member shall serve no more than three terms or nine years.

19 26 Sec. 37. Section 147.20, Code 2007, is amended to read as
19 27 follows:

19 28 147.20 NOMINATION OF EXAMINERS BOARD MEMBERS.

19 29 The regular state association or society for each
19 30 profession may recommend the names of potential board members
19 31 to the governor, but the governor shall not be bound by the
19 32 recommendations.

19 33 Sec. 38. Section 147.22, Code 2007, is amended to read as
19 34 follows:

19 35 147.22 OFFICERS.



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20 1 Each ~~examining~~ board shall organize annually and shall
20 2 select a chairperson and a secretary from its own membership.
20 3 Sec. 39. Section 147.24, Code 2007, is amended to read as
20 4 follows:
20 5 147.24 COMPENSATION.
20 6 Members of ~~an examining~~ a board shall receive actual
20 7 expenses for their duties as a member of the ~~examining~~ board.
20 8 Each member of each board may also be eligible to receive
20 9 compensation as provided in section 7E.6. The funds shall be
20 10 appropriated to the department and allocated to each ~~examining~~
20 11 board within the limits of funds.
20 12 Sec. 40. Section 147.25, unnumbered paragraphs 3 and 4,
20 13 Code 2007, are amended to read as follows:
20 14 ~~Examining boards~~ Boards collecting information necessary
20 15 for the division for records and statistics to carry out the
20 16 provisions of this section shall provide the department with
20 17 the information which may be gathered by means including, but
20 18 not limited to, questionnaires forwarded to applicants for a
20 19 license or renewal of a license.
20 20 In addition to any other fee provided by law, a fee may be
20 21 set by the respective ~~examining~~ boards for each license and
20 22 renewal of a license to practice a profession, which fee shall
20 23 be based on the annual cost of collecting information for use
20 24 by the department in the administration of the system of
20 25 health personnel statistics established by this section. The
20 26 fee shall be collected, transmitted to the treasurer of state,
20 27 and deposited in the general fund of the state in the manner
20 28 in which license and renewal fees of the respective
20 29 professions are collected, transmitted, and deposited in the
20 30 general fund.
20 31 Sec. 41. Section 147.26, Code 2007, is amended to read as
20 32 follows:
20 33 147.26 SUPPLIES AND EXAMINATION QUARTERS.
20 34 The department shall furnish each ~~examining~~ board with all
20 35 articles and supplies required for the public use and



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21 1 necessary to enable ~~said~~ the board to perform the duties
21 2 imposed upon it by law. Such articles and supplies shall be
21 3 obtained by the department in the same manner in which the
21 4 regular supplies for the department are obtained and the cost
21 5 shall be assessed to the ~~examining~~ board. The director of the
21 6 department of administrative services shall furnish each
21 7 ~~examining~~ board with suitable quarters in which to conduct the
21 8 examination and the cost of the quarters shall be assessed to
21 9 the ~~examining~~ board.

21 10 Sec. 42. Section 147.28, Code 2007, is amended to read as
21 11 follows:

21 12 147.28 NATIONAL ORGANIZATION.

21 13 Each ~~examining~~ board may maintain a membership in the
21 14 national organization of the ~~state-examining~~ regulatory boards
21 15 of its profession to be paid from funds appropriated to the
21 16 board.

21 17 Sec. 43. Section 147.28A, Code 2007, is amended to read as
21 18 follows:

21 19 147.28A SCOPE OF PRACTICE REVIEW COMMITTEES == FUTURE
21 20 REPEAL.

21 21 1. The department shall utilize scope of practice review
21 22 committees to evaluate and make recommendations to the general
21 23 assembly and to the appropriate ~~examining~~ boards regarding all
21 24 of the following issues:

21 25 a. Requests from practitioners seeking to become newly
21 26 licensed health professionals or to establish their own
21 27 ~~examining~~ boards.

21 28 b. Requests from health professionals seeking to expand or
21 29 narrow the scope of practice of a health profession.

21 30 c. Unresolved administrative rulemaking disputes between
21 31 ~~examining~~ boards.

21 32 2. A scope of practice review committee established under
21 33 this section shall evaluate the issues specified in subsection
21 34 1 and make recommendations regarding proposed changes to the
21 35 general assembly based on the following standards and



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22 1 guidelines:
22 2 a. The proposed change does not pose a significant new
22 3 danger to the public.
22 4 b. Enacting the proposed change will benefit the health,
22 5 safety, or welfare of the public.
22 6 c. The public cannot be effectively protected by other
22 7 more cost-effective means.
22 8 3. A scope of practice review committee shall be limited
22 9 to five members as follows:
22 10 a. One member representing the profession seeking
22 11 licensure, a new ~~examining~~ board, or a change in scope of
22 12 practice.
22 13 b. One member of the health profession directly impacted
22 14 by, or opposed to, the proposed change.
22 15 c. One impartial health professional who is not directly
22 16 or indirectly affected by the proposed change.
22 17 d. Two impartial members of the general public.
22 18 4. The department may contract with a school or college of
22 19 public health to assist in ~~implementing~~ administering this
22 20 section.
22 21 5. The department shall submit an annual progress report
22 22 to the governor and the general assembly by January 15 and
22 23 shall include any recommendations for legislative action as a
22 24 result of review committee activities.
22 25 6. The department shall adopt rules in accordance with
22 26 chapter 17A to ~~implement~~ administer this section.
22 27 7. This section is repealed July 1, 2007.
22 28 Sec. 44. Section 147.33, Code 2007, is amended to read as
22 29 follows:
22 30 147.33 PROFESSIONAL SCHOOLS.
22 31 As a basis for such action on the part of the ~~examining~~
22 32 board, the registrar of the state university of Iowa and the
22 33 dean of the professional school ~~of said institution~~ which
22 34 teaches the profession for which ~~said~~ the board gives license
22 35 examinations, shall supply such data relative to any such



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23 1 professional school as ~~said~~ the board may request.

23 2 Sec. 45. Section 147.34, Code 2007, is amended to read as
23 3 follows:

23 4 147.34 EXAMINATIONS.

23 5 Examinations for each profession licensed under this
23 6 subtitle shall be conducted at least one time per year at such
23 7 time as the department may fix in cooperation with each
23 8 ~~examining~~ board. Examinations may be given at the state
23 9 university of Iowa at the close of each school year for
23 10 professions regulated by this subtitle and examinations may be
23 11 given at other schools located in the state at which any of
23 12 the professions regulated by this subtitle are taught. At
23 13 least one session of each ~~examining~~ board shall be held
23 14 annually at the seat of government and the locations of other
23 15 sessions shall be determined by the ~~examining~~ board, unless
23 16 otherwise ordered by the department. Applicants who fail to
23 17 pass the examination once shall be allowed to take the
23 18 examination at the next scheduled time. Thereafter,
23 19 applicants shall be allowed to take the examination at the
23 20 discretion of the board. Examinations may be given by ~~an~~
~~23 21 examining~~ a board which are prepared and scored by persons
23 22 outside the state, and ~~examining~~ boards may contract for such
23 23 services. ~~An examining~~ A board may make an agreement with
23 24 ~~examining~~ boards in other states for administering a uniform
23 25 examination. An applicant who has failed an examination may
23 26 request in writing information from the ~~examining~~ board
23 27 concerning the examination grade and subject areas or
23 28 questions which the applicant failed to answer correctly,
23 29 except that if the ~~examining~~ board administers a uniform,
23 30 standardized examination, the ~~examining~~ board shall only be
23 31 required to provide the examination grade and such other
23 32 information concerning the applicant's examination results
23 33 which are available to the ~~examining~~ board.

23 34 Sec. 46. Section 147.35, Code 2007, is amended to read as
23 35 follows:



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24 1 147.35 NAMES OF ELIGIBLE CANDIDATES.
24 2 Prior to each examination the department shall transmit to
24 3 each ~~examining~~ board the list of candidates who are eligible
24 4 to take the examination given by such board. In making up
24 5 such list the department may call upon any ~~examining~~ board, or
24 6 any member thereof, for information relative to the
24 7 eligibility of any applicant.
24 8 Sec. 47. Section 147.36, unnumbered paragraph 1, Code
24 9 2007, is amended to read as follows:
24 10 Each ~~examining~~ board shall establish rules for:
24 11 Sec. 48. Section 147.37, Code 2007, is amended to read as
24 12 follows:
24 13 147.37 IDENTITY OF CANDIDATE CONCEALED.
24 14 All examinations in theory shall be in writing, and the
24 15 identity of the person taking the same shall not be disclosed
24 16 upon the examination papers in such a way as to enable the
24 17 members of the ~~examining~~ board to know by whom written until
24 18 after the papers have been passed upon. In examinations in
24 19 practice the identity of the candidate shall also be concealed
24 20 as far as possible.
24 21 Sec. 49. Section 147.39, Code 2007, is amended to read as
24 22 follows:
24 23 147.39 CLERK.
24 24 Upon the request of any ~~examining~~ board, the department
24 25 shall detail some employee to act as clerk of any examination
24 26 given by ~~said examining the~~ board. Such clerk shall have
24 27 charge of the candidates during the examination and perform
24 28 such other duties as the ~~examining~~ board may direct. If the
24 29 duties of such clerk are performed away from the seat of
24 30 government, the clerk shall receive necessary travel and
24 31 expenses, which shall be paid from the appropriations to the
24 32 ~~examining~~ board in the same manner in which other similar
24 33 expenses are paid. The department shall be reimbursed by the
24 34 ~~examining~~ board for costs incurred.
24 35 Sec. 50. Section 147.40, Code 2007, is amended to read as



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25 1 follows:

25 2 147.40 CERTIFICATION OF APPLICANTS.

25 3 Every examination shall be passed upon in accordance with
25 4 the established rules of the ~~examining~~ board and shall be
25 5 satisfactory to at least a majority of the professional
25 6 members of the board. In the case of the board of ~~dental~~
~~25 7 examiners dentistry~~, only licensed dentist members of the
25 8 board shall determine whether an applicant has passed the
25 9 examination to practice as a licensed dentist. After each
25 10 examination, the ~~examining~~ board shall certify the names of
25 11 the successful applicants to the department in the manner
25 12 prescribed by it. The department shall then issue the proper
25 13 license.

25 14 Sec. 51. Section 147.41, unnumbered paragraph 1, Code
25 15 2007, is amended to read as follows:

25 16 Any ~~examining~~ board may provide for a partial examination
25 17 for a license to practice a profession to any applicant who
25 18 has completed a portion of the professional course. For such
25 19 purpose ~~said~~ the board shall establish by rule:

25 20 Sec. 52. Section 147.42, Code 2007, is amended to read as
25 21 follows:

25 22 147.42 RULES RELATIVE TO PARTIAL EXAMINATIONS.

25 23 ~~In case any examining~~ If a board ~~shall provide~~ provides for
25 24 partial examinations under section 147.41, the department
25 25 shall adopt rules establishing:

25 26 1. The portion of the license fee fixed in this chapter
25 27 which shall be paid for a partial examination.

25 28 2. The credentials which shall be presented to the
25 29 department by an applicant showing the applicant's
25 30 qualifications to take such examination.

25 31 3. The method of certifying the list of the eligible
25 32 applicants for such examination to the ~~proper examining~~
25 33 appropriate board.

25 34 4. The method of certifying back to the department the
25 35 list of applicants who successfully pass such examination.



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26 1 5. The method of keeping the records of such applicants
26 2 for use at the time of completing the examination for a
26 3 license.

26 4 6. The credentials which shall be presented to the
26 5 department by such an applicant upon the completion of the
26 6 professional course.

26 7 7. The method of certifying such applicant to the proper
26 8 ~~examining~~ board for the remainder of the examination.

26 9 8. Such other matters of procedure as are necessary to
26 10 carry into effect section 147.41.

26 11 Sec. 53. Section 147.44, Code 2007, is amended to read as
26 12 follows:

26 13 147.44 AGREEMENTS.

26 14 For the purpose of recognizing licenses which have been
26 15 issued in other states to practice any profession for which a
26 16 license is required by this subtitle, the department shall
26 17 enter into a reciprocal agreement with every state which is
26 18 certified to ~~it~~ the department by the ~~proper examining~~
26 19 appropriate board under the provisions of section 147.45 and
26 20 with which this state does not have an existing agreement at
26 21 the time of such certification.

26 22 Sec. 54. Section 147.45, Code 2007, is amended to read as
26 23 follows:

26 24 147.45 STATES ENTITLED TO RECIPROCAL RELATIONS.

26 25 The department shall at least once each year lay before the
26 26 ~~proper examining~~ appropriate board the requirements of the
26 27 several states for a license to practice the profession for
26 28 which ~~such examining the~~ board conducts examinations for
26 29 licenses in this state. ~~Said examining~~ The board shall
26 30 immediately examine such requirements and after making such
26 31 other inquiries as it deems necessary, shall certify to the
26 32 department the states having substantially equivalent
26 33 requirements to those existing in this state for that
26 34 particular profession and with which ~~said examining the~~ board
26 35 desires this state to enter into reciprocal relations.



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27 1 Sec. 55. Section 147.46, subsection 2, Code 2007, is
27 2 amended to read as follows:

27 3 2. SPECIAL CONDITIONS. When any ~~examining~~ board has
27 4 established by rule any special condition upon which
27 5 reciprocal agreements shall be entered into, as provided in
27 6 section 147.47, such condition shall be incorporated into the
27 7 reciprocal agreements negotiated with reference to licenses to
27 8 practice the professions for which ~~such examining the~~ board
27 9 conducts examinations.

27 10 Sec. 56. Section 147.47, Code 2007, is amended to read as
27 11 follows:

27 12 147.47 SPECIAL CONDITIONS.

27 13 ~~An examining~~ A board shall have power to provide by rule
27 14 that no reciprocal relation shall be entered into by the
27 15 department with any state with reference to licenses to
27 16 practice the profession for which ~~such examining the~~ board
27 17 conducts examinations, unless every person licensed in another
27 18 state when applying for a license to practice in this state
27 19 shall comply with one or both of the following conditions:

27 20 1. Furnish satisfactory proof to the department that the
27 21 person has been actively engaged in the practice of the
27 22 profession for a certain period of years to be fixed by ~~such~~
27 23 ~~examining the~~ board.

27 24 2. Pass a practical examination in the practice of the
27 25 person's particular profession as prescribed by ~~such examining~~
27 26 ~~the~~ board.

27 27 Sec. 57. Section 147.48, Code 2007, is amended to read as
27 28 follows:

27 29 147.48 TERMINATION OF AGREEMENTS.

27 30 ~~When~~ If the requirements for a license in any state with
27 31 which this state has a reciprocal agreement are changed by any
27 32 law or rule of the authorities ~~therein~~ in that state so that
27 33 such requirements are no longer substantially as high as those
27 34 existing in this state, ~~then such the~~ agreement shall be
27 35 deemed terminated and licenses issued in ~~such~~ that state shall



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28 1 not be recognized as a basis of granting a license in this
28 2 state until a new agreement has been negotiated. The fact of
28 3 such change shall be determined by the ~~proper examining~~
28 4 appropriate board and certified to the department for its
28 5 guidance in enforcing the provisions of this section.

28 6 Sec. 58. Section 147.49, Code 2007, is amended to read as
28 7 follows:

28 8 147.49 LICENSE OF ANOTHER STATE.

28 9 The department shall, upon presentation of a license to
28 10 practice a profession issued by the duly constituted authority
28 11 of another state, with which this state has established
28 12 reciprocal relations, and subject to the rules of the
28 13 ~~examining~~ board for such profession, license ~~said the~~
28 14 applicant to practice in this state, unless under the rules of
28 15 ~~said examining~~ the board a practical examination is required
28 16 ~~in such cases~~. The department may, upon the recommendation of
28 17 the ~~medical examiners~~ board of medicine, accept in lieu of the
28 18 examination prescribed in section 148.3 or section 150A.3 a
28 19 license to practice medicine and surgery or osteopathic
28 20 medicine and surgery, issued by the duly constituted authority
28 21 of another state, territory, or foreign country. Endorsement
28 22 may be accepted by the department in lieu of further written
28 23 examination without regard to the existence or nonexistence of
28 24 a reciprocal agreement, but shall not be in lieu of the
28 25 standards and qualifications prescribed by section 148.3 or
28 26 section 150A.3.

28 27 Sec. 59. Section 147.50, Code 2007, is amended to read as
28 28 follows:

28 29 147.50 PRACTICAL EXAMINATIONS.

28 30 If the rules of any ~~examining~~ board require an applicant
28 31 for a license under a reciprocal agreement to pass a practical
28 32 examination in the practice of the applicant's profession,
28 33 ~~then such~~ the applicant shall make application ~~therefore for~~
28 34 the license to the department upon a form provided by ~~it~~ the
28 35 department.

29 1 Sec. 60. Section 147.53, Code 2007, is amended to read as
29 2 follows:

29 3 147.53 POWER TO ADOPT RULES.

29 4 The department and each ~~examining~~ board shall ~~have power to~~
29 5 ~~establish the~~ adopt necessary rules, not inconsistent with
29 6 law, for carrying out the reciprocal relations with other
29 7 states which are authorized by this chapter.

29 8 Sec. 61. Section 147.74, subsections 7, 15, and 22, Code
29 9 2007, are amended to read as follows:

29 10 7. A graduate of a school accredited ~~on~~ by the board of
29 11 ~~optometric examiners~~ optometry may use the prefix "Doctor",
29 12 but shall add after the person's name the letters "O. D."

29 13 15. A pharmacist who possesses a doctoral degree
29 14 recognized by the American council of pharmaceutical education
29 15 from a college of pharmacy approved by the board of pharmacy
29 16 ~~examiners~~ or a doctor of philosophy degree in an area related
29 17 to pharmacy may use the prefix "Doctor" or "Dr." but shall add
29 18 after the person's name the word "pharmacist" or "Pharm. D."

29 19 22. ~~An~~ A sign language interpreter licensed under chapter
29 20 154E and this chapter may use the title "licensed sign
29 21 language interpreter" or the letters "L. I." after the



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29 22 person's name.
29 23 Sec. 62. Section 147.76, Code 2007, is amended to read as
29 24 follows:
29 25 147.76 RULES.
29 26 The ~~examining~~ boards for the various professions shall
29 27 adopt all necessary and proper rules to ~~implement~~ administer
29 28 and interpret this chapter and chapters 147A through 158,
29 29 except chapter 148D.
29 30 Sec. 63. Section 147.80, Code 2007, is amended to read as
29 31 follows:
29 32 147.80 LICENSE == EXAMINATION == FEES.
29 33 ~~An examining~~ Each board shall set the fees for the
29 34 examination of applicants, which fees shall be based upon the
29 35 cost of administering the examinations. ~~An examining~~ A board



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30 1 shall set the license fees and renewal fees required for any
30 2 of the following based upon the cost of sustaining the board
30 3 and the actual costs of licensing:
30 4 1. License to practice dentistry issued upon the basis of
30 5 an examination given by the board of ~~dental examiners~~
30 6 dentistry, license to practice dentistry issued under a
30 7 reciprocal agreement, resident dentist's license, renewal of a
30 8 license to practice dentistry.
30 9 2. License to practice pharmacy issued upon the basis of
30 10 an examination given by the board of pharmacy ~~examiners~~,
30 11 license to practice pharmacy issued under a reciprocal
30 12 agreement, renewal of a license to practice pharmacy.
30 13 3. License to practice medicine and surgery, osteopathic
30 14 medicine and surgery, or osteopathy and renewal of a license
30 15 to practice medicine and surgery, osteopathic medicine and
30 16 surgery, or osteopathy.
30 17 4. Certificate to practice psychology or associate
30 18 psychology issued on the basis of an examination given by the
30 19 board of psychology ~~examiners~~, or certificate to practice
30 20 psychology or associate psychology issued under a reciprocity
30 21 agreement or by endorsement, renewal of a certificate to
30 22 practice psychology or associate psychology.
30 23 5. Application for a license to practice as a physician
30 24 assistant, issuance of a license to practice as a physician
30 25 assistant issued upon the basis of an examination given or
30 26 approved by the board of physician ~~assistant examiners~~
30 27 assistants, issuance of a license to practice as a physician
30 28 assistant issued under a reciprocal agreement, renewal of a
30 29 license to practice as a physician assistant, temporary
30 30 license to practice as a physician assistant.
30 31 6. License to practice chiropractic issued on the basis of
30 32 an examination given by the board of chiropractic ~~examiners~~.
30 33 License to practice chiropractic issued by endorsement or
30 34 under a reciprocal agreement, renewal of a license to practice
30 35 chiropractic.



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31 1 7. License to practice podiatry issued upon the basis of
31 2 an examination given by the board of podiatry ~~examiners~~,
31 3 license to practice podiatry issued under a reciprocal
31 4 agreement, renewal of a license to practice podiatry.

31 5 8. License to practice physical therapy issued upon the
31 6 basis of an examination given by the board of physical and
31 7 occupational therapy ~~examiners~~, license to practice physical
31 8 therapy issued under a reciprocal agreement, renewal of a
31 9 license to practice physical therapy.

31 10 9. License to practice as a physical therapist assistant
31 11 issued on the basis of an examination given by the board of
31 12 physical and occupational therapy ~~examiners~~, license to
31 13 practice as a physical therapist assistant issued under a
31 14 reciprocal agreement, renewal of a license to practice as a
31 15 physical therapist assistant.

31 16 10. For a license to practice optometry issued upon the
31 17 basis of an examination given by the board of optometry
31 18 ~~examiners~~, license to practice optometry issued under a
31 19 reciprocal agreement, renewal of a license to practice
31 20 optometry.

31 21 11. License to practice dental hygiene issued upon the
31 22 basis of an examination given by the board of ~~dental examiners~~
31 23 dentistry, license to practice dental hygiene issued under a
31 24 reciprocal agreement, renewal of a license to practice dental
31 25 hygiene.

31 26 12. License to practice mortuary science issued upon the
31 27 basis of an examination given by the board of mortuary science
31 28 ~~examiners~~, license to practice mortuary science issued under a
31 29 reciprocal agreement, renewal of a license to practice
31 30 mortuary science.

31 31 13. License to practice nursing issued upon the basis of
31 32 an examination given by the board of nursing; license to
31 33 practice nursing based on an endorsement from another state,
31 34 territory, or foreign country; renewal of a license to
31 35 practice nursing.



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32 1 14. A nurse who does not engage in nursing during the year
32 2 succeeding the expiration of the license shall notify the
32 3 board to place the nurse upon the inactive list and the nurse
32 4 shall not be required to pay the renewal fee so long as the
32 5 nurse remains inactive and so notifies the board. To resume
32 6 nursing, the nurse shall notify the board and remit the
32 7 renewal fee for the current period.

32 8 15. License to practice cosmetology arts and sciences
32 9 issued upon the basis of an examination given by the board of
32 10 cosmetology arts and sciences ~~examiners~~, license to practice
32 11 cosmetology arts and sciences under a reciprocal agreement,
32 12 renewal of a license to practice cosmetology arts and
32 13 sciences, temporary permit to practice as a cosmetology arts
32 14 and sciences trainee, original license to conduct a school of
32 15 cosmetology arts and sciences, renewal of license to conduct a
32 16 school of cosmetology arts and sciences, original license to
32 17 operate a salon, renewal of a license to operate a salon,
32 18 original license to practice manicuring and pedicuring,
32 19 renewal of a license to practice manicuring and pedicuring,
32 20 annual inspection of a school of cosmetology arts and
32 21 sciences, annual inspection of a salon, original cosmetology
32 22 arts and sciences school instructor's license, and renewal of
32 23 cosmetology arts and sciences school instructor's license.

32 24 16. License to practice barbering on the basis of an
32 25 examination given by the board of ~~barber examiners~~ barbering,
32 26 license to practice barbering under a reciprocal agreement,
32 27 renewal of a license to practice barbering, annual inspection
32 28 by the department of inspections and appeals of barber school
32 29 and annual inspection of barber shop, an original barber
32 30 school license, renewal of a barber school license, transfer
32 31 of license upon change of ownership of a barber shop or barber
32 32 school, inspection by the department of inspections and
32 33 appeals and an original barber shop license, renewal of a
32 34 barber shop license, original barber school instructor's
32 35 license, renewal of a barber school instructor's license.



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33 1 17. License to practice speech pathology or audiology
33 2 issued on the basis of an examination given by the board of
33 3 speech pathology and audiology, or license to practice speech
33 4 pathology or audiology issued under a reciprocity agreement,
33 5 renewal of a license to practice speech pathology or
33 6 audiology.

33 7 18. License to practice occupational therapy issued upon
33 8 the basis of an examination given by the board of physical and
33 9 occupational therapy ~~examiners~~, license to practice
33 10 occupational therapy issued under a reciprocal agreement,
33 11 renewal of a license to practice occupational therapy.

33 12 19. License to assist in the practice of occupational
33 13 therapy issued upon the basis of an examination given by the
33 14 board of physical and occupational therapy ~~examiners~~, license
33 15 to assist in the practice of occupational therapy issued under
33 16 a reciprocal agreement, renewal of a license to assist in the
33 17 practice of occupational therapy.

33 18 20. License to practice social work issued on the basis of
33 19 an examination by the board of social work ~~examiners~~, or
33 20 license to practice social work issued under a reciprocity
33 21 agreement, or renewal of a license to practice social work.

33 22 21. License to practice marital and family therapy issued
33 23 upon the basis of an examination given by the board of
33 24 behavioral science ~~examiners~~, license to practice marital and
33 25 family therapy issued under a reciprocal agreement, or renewal
33 26 of a license to practice marital and family therapy.

33 27 22. License to practice mental health counseling issued
33 28 upon the basis of an examination given by the board of
33 29 behavioral science ~~examiners~~, license to practice mental
33 30 health counseling issued under a reciprocal agreement, or
33 31 renewal of a license to practice mental health counseling.

33 32 23. License to practice dietetics issued upon the basis of
33 33 an examination given by the board of ~~dietetic examiners~~
33 34 dietetics, license to practice dietetics issued under a
33 35 reciprocal agreement, or renewal of a license to practice



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34 1 dietetics.

34 2 24. License to practice acupuncture, license to practice
34 3 acupuncture under a reciprocal agreement, or renewal of a
34 4 license to practice acupuncture.

34 5 25. License to practice respiratory care, license to
34 6 practice respiratory care under a reciprocal license, or
34 7 renewal of a license to practice respiratory care.

34 8 26. License to practice massage therapy, license to
34 9 practice massage therapy under a reciprocal license, or
34 10 renewal of a license to practice massage therapy.

34 11 27. License to practice athletic training, license to
34 12 practice athletic training under a reciprocal license, or
34 13 renewal of a license to practice athletic training.

34 14 28. Registration to practice as a dental assistant,
34 15 registration to practice as a dental assistant under a
34 16 reciprocal agreement, or renewal of registration to practice
34 17 as a dental assistant.

34 18 29. License to practice sign language interpreting and
34 19 transliterating, license to practice sign language
34 20 interpreting and transliterating under a reciprocal license,
34 21 or renewal of a license to practice sign language interpreting
34 22 and transliterating.

34 23 30. License to practice hearing aid dispensing, license to
34 24 practice hearing aid dispensing under a reciprocal license, or
34 25 renewal of a license to practice hearing aid dispensing.

34 26 31. License to practice nursing home administration,
34 27 license to practice nursing home administration under a
34 28 reciprocal license, or renewal of a license to practice
34 29 nursing home administration.

34 30 32. For a certified statement that a licensee is licensed
34 31 in this state.

34 32 33. Duplicate license, which shall be so designated on its
34 33 face, upon satisfactory proof the original license issued by
34 34 the department has been destroyed or lost.

34 35 The licensing and certification division shall prepare



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35 1 estimates of projected revenues to be generated by the
35 2 licensing, certification, and examination fees of each board
35 3 as well as a projection of the fairly apportioned
35 4 administrative costs and rental expenses attributable to each
35 5 board. Each board shall annually review and adjust its
35 6 schedule of fees so that, as nearly as possible, projected
35 7 revenues equal projected costs and any imbalance in revenues
35 8 and costs in a fiscal year is offset in a subsequent fiscal
35 9 year.

35 10 The board of ~~medical examiners~~ medicine, the board of
35 11 pharmacy ~~examiners~~, the board of ~~dental examiners~~ dentistry,
35 12 and the board of nursing shall retain individual executive
35 13 officers, but shall make every effort to share administrative,
35 14 clerical, and investigative staffs to the greatest extent
35 15 possible. The department shall annually submit a status
35 16 report to the general assembly in December regarding the
35 17 sharing of staff during the previous fiscal year.

35 18 Sec. 64. Section 147.87, Code 2007, is amended to read as
35 19 follows:

35 20 147.87 ENFORCEMENT.

35 21 The department shall enforce the provisions of this and the
35 22 following chapters of this subtitle and for that purpose may
35 23 request the department of inspections and appeals to make
35 24 necessary investigations. Every licensee and member of ~~an~~
35 25 ~~examining~~ a board shall furnish the department or the
35 26 department of inspections and appeals such evidence as the
35 27 member or licensee may have relative to any alleged violation
35 28 which is being investigated.

35 29 Sec. 65. Section 147.88, Code 2007, is amended to read as
35 30 follows:

35 31 147.88 INSPECTIONS.

35 32 The department of inspections and appeals may perform
35 33 inspections as required by this subtitle, except for the board
35 34 of ~~medical examiners~~ medicine, board of pharmacy ~~examiners~~,
35 35 board of nursing, and the board of ~~dental examiners~~ dentistry.



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36 1 The department of inspections and appeals shall employ
36 2 personnel related to the inspection functions.
36 3 Sec. 66. Section 147.89, unnumbered paragraph 1, Code
36 4 2007, is amended to read as follows:
36 5 Every licensee and member of an ~~examining~~ a board shall
36 6 report, also, to the department the name of every person,
36 7 without a license, that the member or licensee has reason to
36 8 believe is engaged in:
36 9 Sec. 67. Section 147.91, subsection 3, Code 2007, is
36 10 amended to read as follows:
36 11 3. The rules of the ~~examining~~ board relative to
36 12 examinations.
36 13 Sec. 68. Section 147.94, subsections 1, 2, 3, and 4, Code
36 14 2007, are amended to read as follows:
36 15 1. Every application for a license to practice pharmacy
36 16 shall be made to the ~~secretary~~ executive director of the board
36 17 of pharmacy ~~examiners~~.
36 18 2. A license and all renewals of a license shall be issued
36 19 by the board of pharmacy ~~examiners~~.
36 20 3. Every reciprocal agreement for the recognition of any
36 21 license issued in another state shall be negotiated by the
36 22 board of pharmacy ~~examiners~~.
36 23 4. All records in connection with the licensing of
36 24 pharmacists shall be kept by the ~~secretary~~ executive director
36 25 of the board of pharmacy ~~examiners~~.
36 26 Sec. 69. Section 147.95, Code 2007, is amended to read as
36 27 follows:
36 28 147.95 ENFORCEMENT == AGENTS AS PEACE OFFICERS.
36 29 The provisions of this subtitle insofar as they affect the
36 30 practice of pharmacy shall be enforced by the board of
36 31 pharmacy ~~examiners~~ and the provisions of sections 147.87,
36 32 147.88, and 147.89 shall not apply to said profession.
36 33 Officers, agents, inspectors, and representatives of the board
36 34 of pharmacy ~~examiners~~ shall have the powers and status of
36 35 peace officers when enforcing the provisions of this subtitle.



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37 1 Sec. 70. Section 147.96, Code 2007, is amended to read as
37 2 follows:

37 3 147.96 BOARD OF PHARMACY EXAMINERS.

37 4 In discharging the duties and exercising the powers
37 5 provided for in sections 147.94 and 147.95, the board of
37 6 pharmacy examiners and their secretary the executive director
37 7 of the board shall be governed by all the provisions of this
37 8 chapter which govern the department when discharging a similar
37 9 duty or exercising a similar power with reference to any of
37 10 the professions regulated by this subtitle.

37 11 Sec. 71. Section 147.98, Code 2007, is amended to read as
37 12 follows:

37 13 147.98 SECRETARY OF PHARMACY EXAMINERS EXECUTIVE DIRECTOR
37 14 OF THE BOARD OF PHARMACY.

37 15 The board of pharmacy examiners shall have the right to may
37 16 employ a full-time secretary executive director, who shall not
37 17 be a member of the examining board, at such compensation as
37 18 may be fixed pursuant to chapter 8A, subchapter IV, but the
37 19 provisions of section 147.22 providing for a secretary for
37 20 each examining board shall not apply to the board of pharmacy
37 21 examiners.

37 22 Sec. 72. Section 147.99, Code 2007, is amended to read as
37 23 follows:

37 24 147.99 DUTIES OF SECRETARY EXECUTIVE DIRECTOR.

37 25 The secretary executive director of the board of pharmacy
37 26 examiners shall, upon the direction of the board, make
37 27 inspections of alleged violations of the provisions of this
37 28 subtitle relative to the practice of pharmacy and of chapters
37 29 124, 126, and 205. The secretary executive director shall be
37 30 allowed necessary traveling and hotel expenses in making such
37 31 inspections.

37 32 Sec. 73. Section 147.100, Code 2007, is amended to read as
37 33 follows:

37 34 147.100 EXPIRATIONS AND RENEWALS.

37 35 Licenses shall expire in multiyear intervals as determined



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38 1 by ~~the examining~~ each board. A person who fails to renew a
38 2 license by the expiration date shall be allowed to do so
38 3 within thirty days following its expiration, but the ~~examining~~
38 4 board may assess a reasonable penalty.

38 5 Sec. 74. Section 147.102, Code 2007, is amended to read as
38 6 follows:

38 7 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.
38 8 Notwithstanding the provisions of this subtitle, every
38 9 application for a license to practice psychology,
38 10 chiropractic, or dentistry shall be made directly to the
38 11 chairperson, executive director, or secretary of the ~~examining~~
38 12 board of such profession, and every reciprocal agreement for
38 13 the recognition of any such license issued in another state
38 14 shall be negotiated by the ~~examining~~ board for such
38 15 profession. All examination, license, and renewal fees
38 16 received from persons licensed to practice any of such
38 17 professions shall be paid to and collected by the chairperson,
38 18 executive director, or secretary of the ~~examining~~ board of
38 19 such profession. The salary of the secretary shall be
38 20 established by the governor with the approval of the executive
38 21 council pursuant to section 8A.413, subsection 2, under the
38 22 pay plan for exempt positions in the executive branch of
38 23 government.

38 24 Sec. 75. Section 147.103, Code 2007, is amended to read as
38 25 follows:

38 26 147.103 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.
38 27 The board of ~~physician assistant examiners~~ assistants may
38 28 appoint investigators, who shall not be members of the
38 29 ~~examining~~ board, to administer and aid in the enforcement of
38 30 the provisions of law relating to physician assistants. The
38 31 amount of compensation for the investigators shall be
38 32 determined pursuant to chapter 8A, subchapter IV.

38 33 Investigators authorized by the board of physician
38 34 ~~assistant examiners~~ assistants have the powers and status of
38 35 peace officers when enforcing this chapter and chapters 148C
39 1 and 272C.

39 2 Sec. 76. Section 147.103A, unnumbered paragraph 1, Code
39 3 2007, is amended to read as follows:

39 4 This chapter shall apply to the licensing of persons to
39 5 practice as physicians and surgeons, osteopaths, and
39 6 osteopathic physicians and surgeons by the board of ~~medical~~
39 7 ~~examiners~~ medicine subject to the following provisions:

39 8 Sec. 77. Section 147.103A, subsection 3, Code 2007, is
39 9 amended to read as follows:

39 10 3. The board may appoint investigators, who shall not be
39 11 members of the ~~examining~~ board, and whose compensation shall
39 12 be determined pursuant to chapter 8A, subchapter IV.

39 13 Investigators appointed by the board have the powers and
39 14 status of peace officers when enforcing this chapter and
39 15 chapters 148, 150, 150A, and 272C.

39 16 Sec. 78. Section 147.107, subsections 2, 4, 5, and 8, Code
39 17 2007, are amended to read as follows:

39 18 2. A pharmacist, physician, dentist, or podiatric
39 19 physician who dispenses prescription drugs, including but not
39 20 limited to controlled substances, for human use, may delegate
39 21 nonjudgmental dispensing functions to staff assistants only



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39 22 when verification of the accuracy and completeness of the
39 23 prescription is determined by the pharmacist or practitioner
39 24 in the pharmacist's or practitioner's physical presence.
39 25 However, the physical presence requirement does not apply when
39 26 a pharmacist or practitioner is utilizing an automated
39 27 dispensing system. When using an automated dispensing system
39 28 the pharmacist or practitioner shall utilize an internal
39 29 quality control assurance plan that ensures accuracy for
39 30 dispensing. Verification of automated dispensing accuracy and
39 31 completeness remains the responsibility of the pharmacist or
39 32 practitioner and shall be determined in accordance with rules
39 33 adopted by the ~~state~~ board of pharmacy ~~examiners~~, the ~~state~~
39 34 board of ~~medical-examiners~~ medicine, the ~~state~~ board of ~~dental~~
~~39 35~~ ~~examiners~~ dentistry, and the ~~state~~ board of podiatry ~~examiners~~



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40 1 for their respective licensees.

40 2 A dentist, physician, or podiatric physician who dispenses
40 3 prescription drugs, other than drug samples, pursuant to this
40 4 subsection, shall register the fact that they dispense
40 5 prescription drugs with the practitioner's respective
40 6 ~~examining~~ board at least biennially.

40 7 A physician, dentist, or podiatric physician who dispenses
40 8 prescription drugs, other than drug samples, pursuant to this
40 9 subsection, shall offer to provide the patient with a written
40 10 prescription that may be dispensed from a pharmacy of the
40 11 patient's choice or offer to transmit the prescription orally,
40 12 electronically, or by facsimile in accordance with section
40 13 155A.27 to a pharmacy of the patient's choice.

40 14 4. Notwithstanding subsection 3, a physician assistant
40 15 shall not dispense prescription drugs as an incident to the
40 16 practice of the supervising physician or the physician
40 17 assistant, but may supply, when pharmacist services are not
40 18 reasonably available, or when it is in the best interests of
40 19 the patient, a quantity of properly packaged and labeled
40 20 prescription drugs, controlled substances, or medical devices
40 21 necessary to complete a course of therapy. However, a remote
40 22 clinic, staffed by a physician assistant, where pharmacy
40 23 services are not reasonably available, shall secure the
40 24 regular advice and consultation of a pharmacist regarding the
40 25 distribution, storage, and appropriate use of such drugs,
40 26 substances, and devices. Prescription drugs supplied under
40 27 the provisions of this subsection shall be supplied for the
40 28 purpose of accommodating the patient and shall not be sold for
40 29 more than the cost of the drug and reasonable overhead costs,
40 30 as they relate to supplying prescription drugs to the patient,
40 31 and not at a profit to the physician or the physician
40 32 assistant. If prescription drug supplying authority is
40 33 delegated by a supervising physician to a physician assistant,
40 34 a nurse or staff assistant may assist the physician assistant
40 35 in providing that service. Rules shall be adopted by the



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41 1 board of physician ~~assistant-examiners~~ assistants, after
41 2 consultation with the board of pharmacy ~~examiners~~, to
41 3 implement this subsection.
41 4 5. Notwithstanding subsection 1 and any other provision of
41 5 this section to the contrary, a physician may delegate the
41 6 function of prescribing drugs, controlled substances, and
41 7 medical devices to a physician assistant licensed pursuant to
41 8 chapter 148C. When delegated prescribing occurs, the
41 9 supervising physician's name shall be used, recorded, or
41 10 otherwise indicated in connection with each individual
41 11 prescription so that the individual who dispenses or
41 12 administers the prescription knows under whose delegated
41 13 authority the physician assistant is prescribing. Rules
41 14 relating to the authority of physician assistants to prescribe
41 15 drugs, controlled substances, and medical devices pursuant to
41 16 this subsection shall be adopted by the board of physician
41 17 ~~assistant-examiners~~ assistants, after consultation with the
41 18 board of ~~medical-examiners~~ medicine and the board of pharmacy
41 19 ~~examiners~~. However, the rules shall prohibit the prescribing
41 20 of schedule II controlled substances which are listed as
41 21 depressants pursuant to chapter 124.
41 22 8. Notwithstanding subsection 1, but subject to the
41 23 limitations contained in subsections 2 and 3, a registered
41 24 nurse who is licensed and registered as an advanced registered
41 25 nurse practitioner and who qualifies for and is registered in
41 26 a recognized nursing specialty may prescribe substances or
41 27 devices, including controlled substances or devices, if the
41 28 nurse is engaged in the practice of a nursing specialty
41 29 regulated under rules adopted by the board of nursing in
41 30 consultation with the board of ~~medical-examiners~~ medicine and
41 31 the board of pharmacy ~~examiners~~.
41 32 Sec. 79. Section 147.108, subsection 1, Code 2007, is
41 33 amended to read as follows:
41 34 1. A person shall not dispense or adapt contact lenses
41 35 without first receiving authorization to do so by a written,



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42 1 electronic, or facsimile prescription, except when authorized
42 2 orally under subsection 2, from a person licensed under
42 3 chapter 148, 150, 150A, or 154. The board of optometry
42 4 ~~examiners~~ shall adopt rules relating to electronic or
42 5 facsimile transmission of a prescription under this section.

42 6 Sec. 80. Section 147.109, subsection 1, Code 2007, is
42 7 amended to read as follows:

42 8 1. A person shall not dispense or adapt an ophthalmic
42 9 spectacle lens or lenses without first receiving authorization
42 10 to do so by a written, electronic, or facsimile prescription
42 11 from a person licensed under chapter 148, 150, 150A, or 154.
42 12 For the purpose of this section, "ophthalmic spectacle lens"
42 13 means one which has been fabricated to fill the requirements
42 14 of a particular spectacle lens prescription. The board of
42 15 optometry ~~examiners~~ shall adopt rules relating to electronic
42 16 or facsimile transmission of a prescription under this
42 17 section.

42 18 Sec. 81. Section 147.114, Code 2007, is amended to read as
42 19 follows:

42 20 147.114 INSPECTOR.

42 21 An inspector may be appointed by the board of ~~dental~~
42 22 ~~examiners~~ dentistry pursuant to the provisions of chapter 8A,
42 23 subchapter IV.

42 24 Sec. 82. Section 147.135, subsections 2 and 3, Code 2007,
42 25 are amended to read as follows:

42 26 2. As used in this subsection, "peer review records" means
42 27 all complaint files, investigation files, reports, and other
42 28 investigative information relating to licensee discipline or
42 29 professional competence in the possession of a peer review
42 30 committee or an employee of a peer review committee. As used
42 31 in this subsection, "peer review committee" does not include
42 32 ~~examining~~ licensing boards. Peer review records are
42 33 privileged and confidential, are not subject to discovery,
42 34 subpoena, or other means of legal compulsion for release to a
42 35 person other than an affected licensee or a peer review



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43 1 committee and are not admissible in evidence in a judicial or
43 2 administrative proceeding other than a proceeding involving
43 3 licensee discipline or a proceeding brought by a licensee who
43 4 is the subject of a peer review record and whose competence is
43 5 at issue. A person shall not be liable as a result of filing
43 6 a report or complaint with a peer review committee or
43 7 providing information to such a committee, or for disclosure
43 8 of privileged matter to a peer review committee. A person
43 9 present at a meeting of a peer review committee shall not be
43 10 permitted to testify as to the findings, recommendations,
43 11 evaluations, or opinions of the peer review committee in any
43 12 judicial or administrative proceeding other than a proceeding
43 13 involving licensee discipline or a proceeding brought by a
43 14 licensee who is the subject of a peer review committee meeting
43 15 and whose competence is at issue. Information or documents
43 16 discoverable from sources other than the peer review committee
43 17 do not become nondiscoverable from the other sources merely
43 18 because they are made available to or are in the possession of
43 19 a peer review committee. However, such information relating
43 20 to licensee discipline may be disclosed to an appropriate
43 21 licensing authority in any jurisdiction in which the licensee
43 22 is licensed or has applied for a license. If such information
43 23 indicates a crime has been committed, the information shall be
43 24 reported to the proper law enforcement agency. This
43 25 subsection shall not preclude the discovery of the
43 26 identification of witnesses or documents known to a peer
43 27 review committee. Any final written decision and finding of
43 28 fact by a licensing board in a disciplinary proceeding is a
43 29 public record. Upon appeal by a licensee of a decision of a
43 30 ~~licensing~~ board, the entire case record shall be submitted to
43 31 the reviewing court. In all cases where privileged and
43 32 confidential information under this subsection becomes
43 33 discoverable, admissible, or part of a court record the
43 34 identity of an individual whose privilege has been
43 35 involuntarily waived shall be withheld.



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44 1 3. A full and confidential report concerning any final
44 2 hospital disciplinary action approved by a hospital board of
44 3 trustees that results in a limitation, suspension, or
44 4 revocation of a physician's privilege to practice for reasons
44 5 relating to the physician's professional competence or
44 6 concerning any voluntary surrender or limitation of privileges
44 7 for reasons relating to professional competence shall be made
44 8 to the board of ~~medical examiners~~ medicine by the hospital
44 9 administrator or chief of medical staff within ten days of
44 10 such action. The board of ~~medical examiners~~ medicine shall
44 11 investigate the report and take appropriate action. These
44 12 reports shall be privileged and confidential as though
44 13 included in and subject to the requirements for peer review
44 14 committee information in subsection 2. Persons making these
44 15 reports and persons participating in resulting proceedings
44 16 related to these reports shall be immune from civil liability
44 17 with respect to the making of the report or participation in
44 18 resulting proceedings. As used in this subsection,
44 19 "physician" means a person licensed pursuant to chapter 148,
44 20 chapter 150, or chapter 150A.
44 21 Notwithstanding subsection 2, if the board of ~~medical~~
44 22 ~~examiners~~ medicine conducts an investigation based on a
44 23 complaint received or upon its own motion, a hospital pursuant
44 24 to subpoena shall make available information and documents
44 25 requested by the board, specifically including reports or
44 26 descriptions of any complaints or incidents concerning an
44 27 individual who is the subject of the board's investigation,
44 28 even though the information and documents are also kept for,
44 29 are the subject of, or are being used in peer review by the
44 30 hospital. However, the deliberations, testimony, decisions,
44 31 conclusions, findings, recommendations, evaluations, work
44 32 product, or opinions of a peer review committee or its members
44 33 and those portions of any documents or records containing or
44 34 revealing information relating thereto shall not be subject to
44 35 the board's request for information, subpoena, or other legal



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45 1 compulsion. All information and documents received by the
45 2 board from a hospital under this section shall be confidential
45 3 pursuant to section 272C.6, subsection 4.

45 4 Sec. 83. Section 147.151, subsection 2, Code 2007, is
45 5 amended to read as follows:

45 6 2. "Board" means the ~~Iowa~~ board of speech pathology and
45 7 audiology ~~examiners~~ established pursuant to section 147.14,
45 8 subsection 9.

45 9 Sec. 84. Section 147.152, subsection 1, Code 2007, is
45 10 amended to read as follows:

45 11 1. Licensed physicians and surgeons, licensed osteopathic
45 12 physicians and surgeons, licensed osteopaths, approved
45 13 physician assistants and registered nurses acting under the
45 14 supervision of a physician, persons conducting hearing tests
45 15 under the direct supervision of a licensed physician and
45 16 surgeon, licensed osteopathic physician and surgeon, or
45 17 licensed osteopath, or students of medicine or surgery or
45 18 osteopathic medicine and surgery pursuing a course of study in
45 19 a medical school or college of osteopathic medicine and
45 20 surgery approved by the ~~medical-examiners~~ board of medicine
45 21 while performing functions incidental to their course of
45 22 study.

45 23 Sec. 85. Section 147A.13, subsection 1, Code 2007, is
45 24 amended to read as follows:

45 25 1. Documentation has been reviewed and approved at the
45 26 local level by the medical director of the ambulance, rescue,
45 27 or first response service in accordance with the rules of the
45 28 board of physician ~~assistant-examiners~~ assistants developed
45 29 after consultation with the department.

45 30 Sec. 86. Section 148.2, subsections 3 and 6, Code 2007,
45 31 are amended to read as follows:

45 32 3. Students of medicine or surgery who have completed at
45 33 least two years' study in a medical school, approved by the
45 34 ~~medical-examiners~~ board, and who prescribe medicine under the
45 35 supervision of a licensed physician and surgeon, or who render



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46 1 gratuitous service to persons in case of emergency.

46 2 6. A graduate of a medical school who is continuing
46 3 training and performing the duties of an intern, or who is
46 4 engaged in postgraduate training deemed the equivalent of an
46 5 internship in a hospital approved for training by the ~~medical~~
~~46 6 examiners board~~.

46 7 Sec. 87. Section 148.2A, Code 2007, is amended to read as
46 8 follows:

46 9 148.2A BOARD OF ~~MEDICAL EXAMINERS~~ MEDICINE.

46 10 As used in this chapter, "board" ~~and "medical examiners"~~
~~46 11 mean~~ means the board of ~~medical examiners~~ medicine established
46 12 in chapter 147.

46 13 Sec. 88. Section 148.3, Code 2007, is amended to read as
46 14 follows:

46 15 148.3 REQUIREMENTS FOR LICENSE.

46 16 An applicant for a license to practice medicine and surgery
46 17 shall:

46 18 1. Present a diploma issued by a medical college approved
46 19 by the ~~medical examiners board~~, or present other evidence of
46 20 equivalent medical education approved by the ~~medical examiners~~
46 21 board. The ~~medical examiners board~~ may accept, in lieu of a
46 22 diploma from a medical college approved by them, all of the
46 23 following:

46 24 a. A diploma issued by a medical college which has been
46 25 neither approved nor disapproved by the ~~medical examiners; and~~
46 26 board.

46 27 b. A valid standard certificate issued by the educational
46 28 commission for foreign medical graduates or similar
46 29 accrediting agency.

46 30 2. Pass an examination prescribed by the ~~medical examiners~~
46 31 board which shall include subjects which determine the
46 32 applicant's qualifications to practice medicine and surgery
46 33 and which shall be given according to the methods deemed by
46 34 the ~~medical examiners board~~ to be the most appropriate and
46 35 practicable. However, the federation licensing examination



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47 1 (~~FLEX~~) or any other national standardized examination which
47 2 the ~~medical examiners shall approve~~ board approves may be
47 3 administered to any or all applicants in lieu of or in
47 4 conjunction with other examinations which the ~~medical~~
~~47 5 examiners shall prescribe~~ board prescribes. The ~~medical~~
~~47 6 examiners~~ board may establish necessary achievement levels on
47 7 all examinations for a passing grade and adopt rules relating
47 8 to examinations.

47 9 3. Present to the ~~medical examiners~~ board satisfactory
47 10 evidence that the applicant has successfully completed one
47 11 year of postgraduate internship or resident training in a
47 12 hospital approved for such training by the ~~medical examiners~~
47 13 board. Beginning July 1, 2006, an applicant who holds a valid
47 14 certificate issued by the educational commission for foreign
47 15 medical graduates shall submit satisfactory evidence of
47 16 successful completion of two years of such training.

47 17 Sec. 89. Section 148.4, Code 2007, is amended to read as
47 18 follows:

47 19 148.4 CERTIFICATES OF NATIONAL BOARD.

47 20 The ~~medical examiners~~ board of medicine may accept in lieu
47 21 of the examination prescribed in section 148.3 a certificate
47 22 of examination issued by the national board of medical
47 23 examiners of the United States of America, but every applicant
47 24 for a license upon the basis of such certificate shall be
47 25 required to pay the fee prescribed by the ~~medical examiners~~
47 26 board of medicine for licenses.

47 27 Sec. 90. Section 148.5, Code 2007, is amended to read as
47 28 follows:

47 29 148.5 RESIDENT PHYSICIAN LICENSE.

47 30 A physician, who is a graduate of a medical school and is
47 31 serving as a resident physician who is not otherwise licensed
47 32 to practice medicine and surgery in this state, shall be
47 33 required to obtain from the ~~medical examiners~~ board a license
47 34 to practice as a resident physician. The license shall be
47 35 designated "Resident Physician License" and shall authorize



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48 1 the licensee to serve as a resident physician only, under the
48 2 supervision of a licensed practitioner of medicine and surgery
48 3 or osteopathic medicine and surgery, in an institution
48 4 approved for such training by the ~~medical examiners~~ board. A
48 5 license shall be valid for a duration as determined by the
48 6 board. The fee for each license shall be set by the ~~medical~~
~~48 7 examiners~~ board to cover the administrative costs of issuing
48 8 the license. The ~~medical examiners~~ board shall determine in
48 9 each instance those eligible for a license, whether or not
48 10 examinations shall be given, and the type of examinations.
48 11 Requirements of the law pertaining to regular permanent
48 12 licensure shall not be mandatory for a resident physician
48 13 license except as specifically designated by the ~~medical~~
~~48 14 examiners~~ board. The granting of a resident physician license
48 15 does not in any way indicate that the person licensed is
48 16 necessarily eligible for regular permanent licensure, ~~nor are~~
~~48 17 the medical examiners or that the board~~ in any way is
48 18 obligated to license the individual.

48 19 Sec. 91. Section 148.6, Code 2007, is amended to read as
48 20 follows:

48 21 148.6 REVOCATION.

48 22 1. The ~~medical examiners~~ board, after due notice and
48 23 hearing in accordance with chapter 17A, may issue an order to
48 24 discipline a licensee for any of the grounds set forth in
48 25 section 147.55, chapter 272C, or this subsection.

48 26 Notwithstanding section 272C.3, licensee discipline may
48 27 include a civil penalty not to exceed ten thousand dollars.

~~48 28 2. Pursuant to this section, the board of medical~~
~~48 29 examiners~~ may discipline a licensee who is guilty of any of
48 30 the following acts or offenses:

48 31 a. Knowingly making misleading, deceptive, untrue or
48 32 fraudulent representation in the practice of the physician's
48 33 profession.

48 34 b. Being convicted of a felony in the courts of this state
48 35 or another state, territory, or country. Conviction as used
49 1 in this paragraph shall include a conviction of an offense
49 2 which if committed in this state would be deemed a felony
49 3 without regard to its designation elsewhere, or a criminal
49 4 proceeding in which a finding or verdict of guilt is made or
49 5 returned, but the adjudication of guilt is either withheld or
49 6 not entered. A certified copy of the final order or judgment
49 7 of conviction or plea of guilty in this state or in another
49 8 state shall be conclusive evidence.

49 9 c. Violating a statute or law of this state, another
49 10 state, or the United States, without regard to its designation
49 11 as either felony or misdemeanor, which statute or law relates
49 12 to the practice of medicine.

49 13 d. Having the license to practice medicine and surgery,
49 14 osteopathic medicine and surgery, or osteopathy revoked or
49 15 suspended, or having other disciplinary action taken by a
49 16 licensing authority of another state, territory, or country.
49 17 A certified copy of the record or order of suspension,
49 18 revocation, or disciplinary action is prima facie evidence.

49 19 e. Knowingly aiding, assisting, procuring, or advising a
49 20 person to unlawfully practice medicine and surgery,
49 21 osteopathic medicine and surgery, or osteopathy.



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49 22 f. Being adjudged mentally incompetent by a court of
49 23 competent jurisdiction. Such adjudication shall automatically
49 24 suspend a license for the duration of the license unless the
49 25 board orders otherwise.

49 26 g. Being guilty of a willful or repeated departure from,
49 27 or the failure to conform to, the minimal standard of
49 28 acceptable and prevailing practice of medicine and surgery,
49 29 osteopathic medicine and surgery, or osteopathy in which
49 30 proceeding actual injury to a patient need not be established;
49 31 or the committing by a physician of an act contrary to
49 32 honesty, justice, or good morals, whether the same is
49 33 committed in the course of the physician's practice or
49 34 otherwise, and whether committed within or without this state.

49 35 h. Inability to practice medicine and surgery, osteopathic



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50 1 medicine and surgery, or osteopathy with reasonable skill and
50 2 safety by reason of illness, drunkenness, excessive use of
50 3 drugs, narcotics, chemicals, or other type of material or as a
50 4 result of a mental or physical condition. The ~~medical~~
~~50 5 examiners board~~ may, upon probable cause, compel a physician
50 6 to submit to a mental or physical examination by designated
50 7 physicians or to submit to alcohol or drug screening within a
50 8 time specified by the ~~medical examiners board~~. Failure of a
50 9 physician to submit to an examination or to submit to alcohol
50 10 or drug screening shall constitute admission to the
50 11 allegations made against the physician and the finding of fact
50 12 and decision of the ~~medical examiners board~~ may be entered
50 13 without the taking of testimony or presentation of evidence.
50 14 At reasonable intervals, a physician shall be afforded an
50 15 opportunity to demonstrate that the physician can resume the
50 16 competent practice of medicine with reasonable skill and
50 17 safety to patients.

50 18 A person licensed to practice medicine and surgery,
50 19 osteopathic medicine and surgery, or osteopathy who makes
50 20 application for the renewal of a license, as required by
50 21 section 147.10, gives consent to submit to a mental or
50 22 physical examination as provided by this paragraph when
50 23 directed in writing by the ~~medical examiners board~~. All
50 24 objections shall be waived as to the admissibility of the
50 25 examining physicians' testimony or examination reports on the
50 26 grounds that they constitute privileged communication. The
50 27 medical testimony or examination reports shall not be used
50 28 against a physician in another proceeding and shall be
50 29 confidential, except for other actions filed against a
50 30 physician to revoke or suspend a license.

50 31 i. Willful or repeated violation of lawful rule or
50 32 regulation adopted by the board or violating a lawful order of
50 33 the board, previously entered by the board in a disciplinary
50 34 or licensure hearing, or violating the terms and provisions of
50 35 a consent agreement or informal settlement between a licensee



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51 1 and the board.

51 2 Sec. 92. Section 148.7, subsections 1, 2, 3, 7, and 9,
51 3 Code 2007, are amended to read as follows:

51 4 1. The ~~medical examiners~~ board may, upon ~~their~~ its own
51 5 motion or upon verified complaint in writing, and shall, if
51 6 such complaint is filed by the director of public health,
51 7 issue an order fixing the time and place for hearing. A
51 8 written notice of the time and place of the hearing together
51 9 with a statement of the charges shall be served upon the
51 10 licensee at least ten days before the hearing in the manner
51 11 required for the service of notice of the commencement of an
51 12 ordinary action or by restricted certified mail.

51 13 2. If the licensee has left the state, the notice and
51 14 statement of the charges shall be so served at least twenty
51 15 days before the date of the hearing, wherever the licensee may
51 16 be found. If the whereabouts of the licensee is unknown,
51 17 service may be had by publication as provided in the rules of
51 18 civil procedure upon filing the affidavit required by ~~said~~ the
51 19 rules. In case the licensee fails to appear, either in person
51 20 or by counsel at the time and place designated in ~~said~~ the
51 21 notice, the ~~medical examiners~~ board shall proceed with the
51 22 hearing as hereinafter provided.

51 23 3. The hearing shall be before a member or members
51 24 designated by the board or before an administrative law judge
51 25 appointed by the board according to the requirements of
51 26 section 17A.11, subsection 1. The presiding board member or
51 27 administrative law judge may issue subpoenas, administer
51 28 oaths, and take or cause depositions to be taken in connection
51 29 with the hearing. The presiding board member or
51 30 administrative law judge shall issue subpoenas at the request
51 31 and on behalf of the licensee. The hearing shall be open to
51 32 the public.

51 33 The administrative law judge shall be an attorney vested
51 34 with full authority of the board to schedule and conduct
51 35 hearings. The administrative law judge shall prepare and file



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52 1 with the ~~medical-examiners~~ board the administrative law
52 2 judge's findings of fact and conclusions of law, together with
52 3 a complete written transcript of all testimony and evidence
52 4 introduced at the hearing and all exhibits, pleas, motions,
52 5 objections, and rulings of the administrative law judge.
52 6 7. If a majority of the members of the board vote in favor
52 7 of finding the licensee guilty of an act or offense specified
52 8 in section 147.55 or 148.6, the board shall prepare written
52 9 findings of fact and its decision imposing one or more of the
52 10 following disciplinary measures:
52 11 a. Suspend the licensee's license to practice the
52 12 profession for a period to be determined by the board.
52 13 b. Revoke the licensee's license to practice the
52 14 profession.
52 15 c. Suspend imposition of judgment and penalty or impose
52 16 the judgment and penalty, but suspend enforcement and place
52 17 the physician on probation. The probation ordered may be
52 18 vacated upon noncompliance. The ~~medical-examiners~~ board may
52 19 restore and reissue a license to practice medicine and
52 20 surgery, osteopathic medicine and surgery, or osteopathy, but
52 21 may impose a disciplinary or corrective measure which ~~it~~ the
52 22 board might originally have imposed. A copy of the ~~medical~~
~~52 23 examiners'~~ board's order, findings of fact, and decision,
52 24 shall be served on the licensee in the manner of service of an
52 25 original notice or by certified mail return receipt requested.
52 26 9. The ~~medical-examiners'~~ board's order revoking or
52 27 suspending a license to practice medicine and surgery,
52 28 osteopathic medicine and surgery, or osteopathy or to
52 29 discipline a licensee shall remain in force and effect until
52 30 the appeal is finally determined and disposed of upon its
52 31 merit.
52 32 Sec. 93. Section 148.8, Code 2007, is amended to read as
52 33 follows:
52 34 148.8 VOLUNTARY SURRENDER OF LICENSE.
52 35 The ~~medical-examiners~~ board may accept the voluntary



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53 1 surrender of a license if accompanied by a written statement
53 2 of intention. A voluntary surrender, when accepted, has the
53 3 same force and effect as an order of revocation.

53 4 Sec. 94. Section 148.9, Code 2007, is amended to read as
53 5 follows:

53 6 148.9 REINSTATEMENT.

53 7 Any person whose license has been suspended, revoked, or
53 8 placed on probation may apply to the board ~~of medical~~
~~53 9 examiners~~ for reinstatement at any time and the board may hold
53 10 hearings on any such petition and may order reinstatement and
53 11 impose terms and conditions thereof and issue a certificate of
53 12 reinstatement to the director of public health who shall
53 13 thereupon issue a license as directed by the board.

53 14 Sec. 95. Section 148.10, Code 2007, is amended to read as
53 15 follows:

53 16 148.10 TEMPORARY CERTIFICATE.

53 17 The ~~medical examiners~~ board may, in their discretion, issue
53 18 a temporary certificate authorizing the licensee to practice
53 19 medicine and surgery or osteopathic medicine and surgery in a
53 20 specific location or locations and for a specified period of
53 21 time if, in the opinion of the ~~medical examiners~~ board, a need
53 22 exists and the person possesses the qualifications prescribed
53 23 by the ~~medical examiners~~ board for the license, which shall be
53 24 substantially equivalent to those required for licensure under
53 25 this chapter or chapter 150A, as the case may be. The ~~medical~~
~~53 26 examiners~~ board shall determine in each instance those
53 27 eligible for this license, whether or not examinations shall
53 28 be given, and the type of examinations. No requirements of
53 29 the law pertaining to regular permanent licensure are
53 30 mandatory for this temporary license except as specifically
53 31 designated by the ~~medical examiners~~ board. The granting of a
53 32 temporary license does not in any way indicate that the person
53 33 so licensed is necessarily eligible for regular licensure, ~~nor~~
~~53 34 are the medical examiners~~ or that the board in any way is
53 35 obligated to so license the person.



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54 1 The temporary certificate shall be issued for a period not
54 2 to exceed one year and may be renewed, but a person shall not
54 3 practice medicine and surgery or osteopathic medicine and
54 4 surgery in excess of three years while holding a temporary
54 5 certificate. The fee for this license and the fee for renewal
54 6 of this license shall be set by the ~~medical examiners~~ board.
54 7 The fees shall be based on the administrative costs of issuing
54 8 and renewing the licenses.

54 9 Sec. 96. Section 148.11, subsection 1, Code 2007, is
54 10 amended to read as follows:

54 11 1. Whenever the need exists, the board ~~of medical~~
~~54 12 examiners~~ may issue a special license. The special license
54 13 shall authorize the licensee to practice medicine and surgery
54 14 under the policies and standards applicable to the health care
54 15 services of a medical school academic staff member or as
54 16 otherwise specified in the special license.

54 17 Sec. 97. Section 148.12, Code 2007, is amended to read as
54 18 follows:

54 19 148.12 VOLUNTARY AGREEMENTS.

54 20 The ~~medical examiners~~ board, after due notice and hearing,
54 21 may issue an order to revoke, suspend, or restrict a license
54 22 to practice medicine and surgery, osteopathic medicine and
54 23 surgery, or osteopathy, or to issue a restricted license on
54 24 application if the ~~medical examiners determine~~ board
54 25 determines that a physician licensed to practice medicine and
54 26 surgery, osteopathic medicine and surgery, or osteopathy, or
54 27 an applicant for licensure has entered into a voluntary
54 28 agreement to restrict the practice of medicine and surgery,
54 29 osteopathic medicine and surgery, or osteopathy in another
54 30 state, district, territory, country, or an agency of the
54 31 federal government. A certified copy of the voluntary
54 32 agreement shall be considered prima facie evidence.

54 33 Sec. 98. Section 148.13, Code 2007, is amended to read as
54 34 follows:

54 35 148.13 AUTHORITY OF BOARD AS TO SUPERVISING PHYSICIANS AND



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55 1 REVIEW OF CONTESTED CASES UNDER CHAPTER 148C == RULES.

55 2 1. The board of ~~medical examiners~~ medicine shall adopt
55 3 rules setting forth in detail its criteria and procedures for
55 4 determining the ineligibility of a physician to serve as a
55 5 supervising physician under chapter 148C. The rules shall
55 6 provide that a physician may serve as a supervising physician
55 7 under chapter 148C until such time as the board of medicine
55 8 determines, following normal disciplinary procedures, that the
55 9 physician is ineligible to serve in that capacity.

55 10 2. The board of ~~medical examiners~~ medicine shall establish
55 11 by rule specific procedures for consulting with and
55 12 considering the advice of the board of physician ~~assistant~~
~~55 13 examiners~~ assistants in determining whether to initiate a
55 14 disciplinary proceeding under chapter 17A against a licensed
55 15 physician in a matter involving the supervision of a physician
55 16 assistant.

55 17 3. In exercising their respective authorities, the board
55 18 of ~~medical examiners~~ medicine and the board of physician
55 19 ~~assistant examiners~~ assistants shall cooperate with the goal
55 20 of encouraging the utilization of physician assistants in a
55 21 manner that is consistent with the provision of quality health
55 22 care and medical services for the citizens of Iowa.

55 23 4. The board of ~~medical examiners~~ medicine shall adopt
55 24 rules requiring a physician serving as a supervising physician
55 25 to notify the board of medicine of the identity of a physician
55 26 assistant the physician is supervising, and of any change in
55 27 the status of the supervisory relationship.

55 28 Sec. 99. Section 148A.1, Code 2007, is amended by adding
55 29 the following unnumbered paragraph:

55 30 NEW UNNUMBERED PARAGRAPH. As used in this chapter, "board"
55 31 means the board of physical and occupational therapy, created
55 32 under chapter 147.

55 33 Sec. 100. Section 148A.4, Code 2007, is amended to read as
55 34 follows:

55 35 148A.4 REQUIREMENTS TO PRACTICE.



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56 1 Each applicant for a license to practice physical therapy
56 2 shall:
56 3 1. Complete a course of study in, and hold a diploma or
56 4 certificate issued by, a school of physical therapy accredited
56 5 by the American physical therapy association or another
56 6 appropriate accrediting body, and meet requirements as
56 7 established by rules of the board of ~~physical and occupational~~
~~56 8 therapy examiners.~~
56 9 2. Have passed an examination administered by the board of ~~of~~
~~56 10 physical and occupational therapy examiners.~~
56 11 Sec. 101. Section 148A.6, Code 2007, is amended to read as
56 12 follows:
56 13 148A.6 PHYSICAL THERAPIST ASSISTANT.
56 14 1. A licensed physical therapist assistant is required to
56 15 function under the direction and supervision of a licensed
56 16 physical therapist to perform physical therapy procedures
56 17 delegated and supervised by the licensed physical therapist in
56 18 a manner consistent with the rules adopted by the board of ~~of~~
~~56 19 physical and occupational therapy examiners.~~ Selected and
56 20 delegated tasks of physical therapist assistants may include,
56 21 but are not limited to, therapeutic procedures and related
56 22 tasks, routine operational functions, documentation of
56 23 treatment progress, and the use of selected physical agents.
56 24 The ability of the licensed physical therapist assistant to
56 25 perform the selected and delegated tasks shall be assessed on
56 26 an ongoing basis by the supervising physical therapist. The
56 27 licensed physical therapist assistant shall not interpret
56 28 referrals, perform initial evaluation or reevaluations,
56 29 initiate physical therapy treatment programs, change specified
56 30 treatment programs, or discharge a patient from physical
56 31 therapy services.
56 32 2. Each applicant for a license to practice as a physical
56 33 therapist assistant shall:
56 34 a. Successfully complete a course of study for the
56 35 physical therapist assistant accredited by the commission on



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57 1 accreditation in education of the American physical therapy
57 2 association, or another appropriate accrediting body, and meet
57 3 other requirements established by the rules of the board of
~~57 4 physical and occupational therapy examiners.~~

57 5 b. Have passed an examination administered by the board of
~~57 6 physical and occupational therapy examiners.~~

57 7 3. This section does not prevent a person not licensed as
57 8 a physical therapist assistant from performing services
57 9 ordinarily performed by a physical therapy aide, assistant, or
57 10 technician, provided that the person does not represent to the
57 11 public that the person is a licensed physical therapist
57 12 assistant, or use the title "physical therapist assistant" or
57 13 the letters "P.T.A.", and provided that the person performs
57 14 services consistent with the supervision requirements of the
57 15 board of ~~physical and occupational therapy examiners~~ for
57 16 persons not licensed as physical therapist assistants.

57 17 Sec. 102. Section 148B.2, subsection 1, Code 2007, is
57 18 amended to read as follows:

57 19 1. "Board" means the board of physical and occupational
57 20 therapy ~~examiners~~, created under chapter 147.

57 21 Sec. 103. Section 148B.7, Code 2007, is amended to read as
57 22 follows:

57 23 148B.7 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY
57 24 ~~EXAMINERS~~ == POWERS AND DUTIES.

57 25 The board shall adopt rules relating to professional
57 26 conduct to carry out the policy of this chapter, including but
57 27 not limited to rules relating to professional licensing and to
57 28 the establishment of ethical standards of practice for persons
57 29 holding a license to practice occupational therapy in this
57 30 state.

57 31 Sec. 104. Section 148B.8, Code 2007, is amended to read as
57 32 follows:

57 33 148B.8 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY
57 34 ~~EXAMINERS~~ == ADMINISTRATIVE PROVISIONS.

57 35 The board may employ an executive secretary and officers



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58 1 and employees as necessary, and shall determine their duties
58 2 and fix their compensation.
58 3 Sec. 105. Section 148C.1, subsection 2, Code 2007, is
58 4 amended to read as follows:
58 5 2. "Board" means the board of physician ~~assistant~~
~~58 6 examiners assistants, created under chapter 147.~~
58 7 Sec. 106. Section 148C.3, subsection 6, Code 2007, is
58 8 amended to read as follows:
58 9 6. The board shall adopt rules pursuant to this section
58 10 after consultation with the board of ~~medical examiners~~
58 11 medicine.
58 12 Sec. 107. Section 148E.1, subsection 3, Code 2007, is
58 13 amended to read as follows:
58 14 3. "Board" means the board of ~~medical examiners~~ medicine,
58 15 established in chapter 147.
58 16 Sec. 108. Section 149.1, Code 2007, is amended by adding
58 17 the following new subsection:
58 18 NEW SUBSECTION. 1A. As used in this chapter, "board"
58 19 means the board of podiatry, created under chapter 147.
58 20 Sec. 109. Section 149.3, subsection 2, Code 2007, is
58 21 amended to read as follows:
58 22 2. Present an official transcript issued by a school of
58 23 podiatry approved by the board of ~~podiatry examiners~~.
58 24 Sec. 110. Section 149.4, Code 2007, is amended to read as
58 25 follows:
58 26 149.4 APPROVED SCHOOL.
58 27 A school of podiatry shall not be approved by the board of ~~of~~
~~58 28 podiatry examiners~~ as a school of recognized standing unless
58 29 the school:
58 30 1. Requires for graduation or the receipt of any podiatric
58 31 degree the completion of a course of study covering a period
58 32 of at least eight months in each of four calendar years.
58 33 2. ~~After January 1, 1962, a~~ A school of podiatry shall not
58 34 be approved by the board of ~~podiatry examiners~~ which does not
58 35 have as an additional entrance requirement two years study in
59 1 a recognized college, university, or academy.
59 2 Sec. 111. Section 149.7, Code 2007, is amended to read as
59 3 follows:
59 4 149.7 TEMPORARY CERTIFICATE.
59 5 The ~~podiatry examiners~~ board may issue a temporary
59 6 certificate authorizing the licensee named in the certificate
59 7 to practice podiatry if, in the opinion of the ~~podiatry~~
~~59 8 examiners board~~, a need exists and the person possesses the
59 9 qualifications prescribed by the ~~podiatry examiners~~ board for
59 10 the certificate, which shall be substantially equivalent to
59 11 those required for regular licensure under this chapter. The
59 12 ~~podiatry examiners~~ board shall determine in each instance the
59 13 applicant's eligibility for the certificate, whether or not an
59 14 examination shall be given, and the type of examination. The
59 15 requirements of the law pertaining to regular permanent
59 16 licensure shall not be mandatory for this temporary
59 17 certificate except as specifically designated by the ~~podiatry~~
~~59 18 examiners board~~. The granting of a temporary certificate does
59 19 not in any way indicate that the person licensed is
59 20 necessarily eligible for regular licensure, and the ~~podiatry~~
~~59 21 examiners are~~ board is not obligated to license the person.



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59 22 The temporary certificate shall be issued for one year and
59 23 may be renewed, but a person shall not be entitled to practice
59 24 podiatry in excess of three years while holding a temporary
59 25 certificate. The fee for this certificate shall be set by the
59 26 ~~podiatry examiners~~ board, and if extended beyond one year, a
59 27 renewal fee per year shall be set by the ~~podiatry examiners~~
59 28 board. The fees shall be based on the administrative costs of
59 29 issuing and renewing the certificates.

59 30 Sec. 112. Section 150.11, Code 2007, is amended to read as
59 31 follows:

59 32 150.11 OSTEOPATHY DISCONTINUED.

59 33 After May 10, 1963, no license to practice osteopathy shall
59 34 be issued, provided that the Iowa department of public health
59 35 shall issue renewal licenses to practice osteopathy as



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60 1 provided in chapter 147 and the department, upon
60 2 recommendation of the ~~medical examiners~~ board of medicine, may
60 3 grant a license to practice osteopathy by reciprocity or
60 4 endorsement if the applicant holds a valid license to practice
60 5 osteopathy or osteopathic medicine and surgery issued by
60 6 another state prior to May 10, 1963.

60 7 Sec. 113. NEW SECTION. 150A.1A DEFINITION.

60 8 As used in this chapter, "board" means the board of
60 9 medicine, created under chapter 147.

60 10 Sec. 114. Section 150A.2, subsection 3, Code 2007, is
60 11 amended to read as follows:

60 12 3. Students of medicine or surgery or osteopathic medicine
60 13 and surgery, who have completed at least two years study in a
60 14 medical school or college of osteopathic medicine and surgery
60 15 approved by the ~~medical examiners~~ board, and who prescribe
60 16 medicine under the supervision of a licensed physician and
60 17 surgeon or osteopathic physician and surgeon, or who render
60 18 gratuitous service to persons in case of emergency.

60 19 Sec. 115. Section 150A.3, Code 2007, is amended to read as
60 20 follows:

60 21 150A.3 REQUIREMENTS TO PRACTICE.

60 22 Each applicant for a license to practice osteopathic
60 23 medicine and surgery shall:

60 24 1. Either comply with all of the following:

60 25 a. Present a diploma issued, after May 10, 1963, by a
60 26 college of osteopathic medicine and surgery approved by the
60 27 ~~medical examiners~~ board or present other evidence of
60 28 equivalent medical education approved by the ~~medical examiners~~
60 29 board.

60 30 b. Pass an examination prescribed by the ~~medical examiners~~
60 31 board in subjects including anatomy, chemistry, physiology,
60 32 materia medica and therapeutics, obstetrics, pathology,
60 33 medicine, public health and hygiene, and surgery. The board
60 34 ~~of medical examiners~~ may require written, oral, and practical
60 35 examinations of the applicant.



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61 1 c. Present to the Iowa department of public health
61 2 satisfactory evidence that the applicant has completed one
61 3 year of internship or resident training in a hospital approved
61 4 for such training by the ~~medical examiners~~ board.

61 5 2. Or comply with the following:

61 6 a. Present a valid license to practice osteopathy in this
61 7 state together with satisfactory evidence that the applicant
61 8 has completed either: (1) a two-year postgraduate course, of
61 9 nine months each, in an accredited college of osteopathy,
61 10 osteopathic medicine and surgery or medicine approved by the
61 11 board of ~~medical examiners of Iowa~~, involving a thorough and
61 12 intensive study of the subject of surgery as prescribed by
61 13 ~~such medical examiners~~ the board, or (2) a one-year
61 14 postgraduate course of nine months in such accredited college,
61 15 and in addition thereto, has completed a one-year course of
61 16 training as a surgical assistant in a hospital having at least
61 17 twenty-five beds for patients and equipped for doing surgical
61 18 work.

61 19 b. Pass an examination as prescribed by the ~~medical~~
~~61 20 examiners~~ board in the subject of surgery, which shall be of
61 21 such character as to thoroughly test the qualifications of the
61 22 applicant as a practitioner of major surgery.

61 23 Sec. 116. Section 150A.4, Code 2007, is amended to read as
61 24 follows:

61 25 150A.4 APPROVED COLLEGES.

61 26 Any college of osteopathic medicine and surgery which does
61 27 not permit the ~~medical examiners~~ board to make such reasonable
61 28 annual inspection as ~~they desire~~ the board desires shall not
61 29 be approved by the ~~medical examiners~~ board. Until July 1,
61 30 1968, any college of osteopathic medicine and surgery which is
61 31 accredited by the American ~~Osteopathic Association~~ osteopathic
61 32 association shall, by virtue thereof, stand as provisionally
61 33 approved by the ~~medical examiners~~ board unless the ~~medical~~
~~61 34 examiners~~ board, by majority action including the osteopathic
61 35 physician and surgeon member, shall disapprove.



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62 1 Sec. 117. Section 150A.7, Code 2007, is amended to read as
62 2 follows:

62 3 150A.7 NATIONAL BOARD CERTIFICATE.

62 4 The Iowa department of public health may, with the approval
62 5 of the ~~medical examiners~~ board, accept in lieu of the
62 6 examination prescribed in section 150A.3 a certificate of
62 7 examination issued by the ~~National Board~~ national board of
62 8 ~~Osteopathic Examiners~~ osteopathic examiners of the United
62 9 States of America, but every applicant for a license upon the
62 10 basis of such certificate shall be required to pay the fee
62 11 prescribed for license issued under reciprocal agreements.

62 12 Sec. 118. Section 150A.9, Code 2007, is amended to read as
62 13 follows:

62 14 150A.9 RESIDENT LICENSE.

62 15 An osteopathic physician and surgeon, who is a graduate of
62 16 a college of osteopathic medicine and surgery and is serving
62 17 as a resident physician and who is not licensed to practice
62 18 osteopathic medicine and surgery in this state, shall be
62 19 required to obtain from the ~~medical examiners~~ board a license
62 20 to practice as a resident osteopathic physician and surgeon.
62 21 The license shall be designated "Resident Osteopathic
62 22 Physician and Surgeon License", and shall authorize the
62 23 licensee to serve as a resident physician only, under the
62 24 supervision of a licensed practitioner of osteopathic medicine
62 25 and surgery or licensed practitioner of medicine and surgery,
62 26 in an institution approved for such training by the ~~medical~~
62 27 ~~examiners~~ board. A license shall be valid for a duration as
62 28 determined by the board. The fee for each license shall be
62 29 set by the ~~medical examiners~~ board and based on the
62 30 administrative cost of issuing the license. The ~~medical~~
62 31 ~~examiners~~ board shall determine in each instance those
62 32 eligible for a license, whether or not examinations shall be
62 33 given, and the type of examinations. Requirements of the law
62 34 pertaining to regular permanent licensure shall not be
62 35 mandatory for a resident osteopathic physician and surgeon's



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63 1 license except as specifically designated by the ~~medical~~
~~63 2 examiners board~~. The granting of a resident osteopathic
63 3 physician and surgeon's license does not in any way indicate
63 4 that the person licensed is necessarily eligible for regular
63 5 permanent licensure, ~~nor are or that the medical examiners in~~
~~63 6 any way board~~ is obligated to license the ~~individual person~~.

63 7 Sec. 119. NEW SECTION. 151.1A BOARD DEFINED.

63 8 As used in this chapter, "board" means the board of
63 9 chiropractic, created under chapter 147.

63 10 Sec. 120. Section 151.2, subsection 3, Code 2007, is
63 11 amended to read as follows:

63 12 3. Students of chiropractic who have entered upon a
63 13 regular course of study in a chiropractic college approved by
63 14 the ~~chiropractic examiners board~~, who practice chiropractic
63 15 under the direction of a licensed chiropractor and in
63 16 accordance with the rules of ~~said examiners the board~~.

63 17 Sec. 121. Section 151.3, subsections 2 and 3, Code 2007,
63 18 are amended to read as follows:

63 19 2. Present a diploma issued by a college of chiropractic
63 20 approved by the ~~chiropractic examiners board~~.

63 21 3. Pass an examination prescribed by the ~~chiropractic~~
~~63 22 examiners board~~ in the subjects of anatomy, physiology,
63 23 nutrition and dietetics, symptomatology and diagnosis, hygiene
63 24 and sanitation, chemistry, histology, pathology, and
63 25 principles and practice of chiropractic, including a clinical
63 26 demonstration of vertebral palpation, nerve tracing, and
63 27 adjusting.

63 28 Sec. 122. Section 151.4, unnumbered paragraph 1, Code
63 29 2007, is amended to read as follows:

63 30 ~~No~~ A college of chiropractic shall not be approved by the
63 31 ~~chiropractic examiners board~~ as a college of recognized
63 32 standing unless ~~said the~~ college:

63 33 Sec. 123. Section 151.8, Code 2007, is amended to read as
63 34 follows:

63 35 151.8 TRAINING IN PROCEDURES USED IN PRACTICE.



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64 1 A chiropractor shall not use in the chiropractor's practice
64 2 the procedures otherwise authorized by law unless the
64 3 chiropractor has received training in their use by a college
64 4 of chiropractic offering courses of instructions approved by
64 5 the board of ~~chiropractic examiners~~.

64 6 Any chiropractor licensed as of July 1, 1974, may use the
64 7 procedures authorized by law if the chiropractor files with
64 8 the board of ~~chiropractic examiners~~ an affidavit that the
64 9 chiropractor has completed the necessary training and is fully
64 10 qualified in these procedures and possesses that degree of
64 11 proficiency and will exercise that care which is common to
64 12 physicians in this state.

64 13 A chiropractor using the additional procedures and
64 14 practices authorized by this ~~Act~~ chapter shall be held to the
64 15 standard of care applicable to any other health care
64 16 practitioner in this state.

64 17 Sec. 124. Section 151.11, Code 2007, is amended to read as
64 18 follows:

64 19 151.11 RULES.

64 20 The board of ~~chiropractic examiners~~ shall adopt rules
64 21 necessary to administer section 151.1, to protect the health,
64 22 safety, and welfare of the public, including rules governing
64 23 the practice of chiropractic and defining any terms, whether
64 24 or not specified in section 151.1, subsection 3. Such rules
64 25 shall not be inconsistent with the practice of chiropractic
64 26 and shall not expand the scope of practice of chiropractic or
64 27 authorize the use of procedures not authorized by this
64 28 chapter. These rules shall conform with chapter 17A.

64 29 Sec. 125. Section 151.12, Code 2007, is amended to read as
64 30 follows:

64 31 151.12 TEMPORARY CERTIFICATE.

64 32 The ~~chiropractic examiners~~ board may, in ~~their~~ its
64 33 discretion, issue a temporary certificate authorizing the
64 34 licensee to practice chiropractic if, in the opinion of the
64 35 chiropractic examiners, a need exists and the person possesses



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65 1 the qualifications prescribed by the ~~chiropractic examiners~~
65 2 board for the license, which shall be substantially equivalent
65 3 to those required for licensure under this chapter. The
65 4 ~~chiropractic examiners~~ board shall determine in each instance
65 5 those eligible for this license, whether or not examinations
65 6 shall be given, the type of examinations, and the duration of
65 7 the license. No requirements of the law pertaining to regular
65 8 permanent licensure are mandatory for this temporary license
65 9 except as specifically designated by the ~~chiropractic~~
~~65 10 examiners~~ board. The granting of a temporary license does not
65 11 in any way indicate that the person so licensed is eligible
65 12 for regular licensure, ~~nor are or that the chiropractic~~
~~65 13 examiners in any way~~ board is obligated to so license the
65 14 person.

65 15 The temporary certificate shall be issued for one year and
65 16 at the discretion of the ~~chiropractic examiners~~ board may be
65 17 renewed, but a person shall not practice chiropractic in
65 18 excess of three years while holding a temporary certificate.
65 19 The fee for this license shall be set by the ~~chiropractic~~
~~65 20 examiners~~ board, and if extended beyond one year, a renewal
65 21 fee per year shall be set by the ~~chiropractic examiners~~ board.
65 22 The fee for the temporary license shall be based on the
65 23 administrative costs of issuing the licenses.

65 24 Sec. 126. Section 152.1, subsection 3, Code 2007, is
65 25 amended to read as follows:

65 26 3. "Physician" means a person licensed in this state to
65 27 practice medicine and surgery, osteopathy and surgery, or
65 28 osteopathy, or a person licensed in this state to practice
65 29 dentistry or podiatry when acting within the scope of the
65 30 license. A physician licensed to practice medicine and
65 31 surgery, osteopathic medicine and surgery, or osteopathy in a
65 32 state bordering this state shall be considered a physician for
65 33 purposes of this chapter unless previously determined to be
65 34 ineligible for such consideration by the ~~Iowa~~ board of ~~medical~~
~~65 35 examiners~~ medicine.



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66 1 Sec. 127. Section 152A.1, subsection 1, Code 2007, is
66 2 amended to read as follows:

66 3 1. "Board" means the board of ~~dietetic examiners~~
66 4 dietetics, created under chapter 147.

66 5 Sec. 128. Section 152B.1, subsection 1, Code 2007, is
66 6 amended to read as follows:

66 7 1. "Board" means the ~~state~~ board for respiratory care,
66 8 created under chapter 147.

66 9 Sec. 129. Section 152B.13, subsection 1, unnumbered
66 10 paragraph 1, Code 2007, is amended to read as follows:

66 11 ~~A state~~ The board for respiratory care is established to
66 12 administer this chapter. Membership of the board shall be
66 13 established pursuant to section 147.14, subsection 15.

66 14 Sec. 130. Section 152C.1, subsection 1, Code 2007, is
66 15 amended to read as follows:

66 16 1. "Board" means the board of ~~examiners for~~ massage
66 17 therapy, created under chapter 147.

66 18 Sec. 131. Section 152D.1, subsection 5, Code 2007, is
66 19 amended to read as follows:

66 20 5. "Board" means the board of ~~examiners for~~ athletic
66 21 training, created under chapter 147.

66 22 Sec. 132. NEW SECTION. 153.12 BOARD DEFINED.

66 23 As used in this chapter, "board" means the board of
66 24 dentistry, created under chapter 147.

66 25 Sec. 133. Section 153.14, subsection 1, Code 2007, is
66 26 amended to read as follows:

66 27 1. Students of dentistry who practice dentistry upon
66 28 patients at clinics in connection with their regular course of
66 29 instruction at the state dental college, students of dental
66 30 hygiene who practice upon patients at clinics in connection
66 31 with their regular course of instruction at state-approved
66 32 schools, and students of dental assisting who practice upon
66 33 patients at clinics in connection with a regular course of
66 34 instruction determined by the board of ~~dentistry~~ pursuant to
66 35 section 153.39.



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67 1 Sec. 134. Section 153.15, Code 2007, is amended to read as
67 2 follows:

67 3 153.15 DENTAL HYGIENISTS == SCOPE OF TERM.

67 4 A licensed dental hygienist may perform those services
67 5 which are educational, therapeutic, and preventive in nature
67 6 which attain or maintain optimal oral health as determined by
67 7 the board ~~of dentistry~~ and may include but are not necessarily
67 8 limited to complete oral prophylaxis, application of
67 9 preventive agents to oral structures, exposure and processing
67 10 of radiographs, administration of medicaments prescribed by a
67 11 licensed dentist, obtaining and preparing nonsurgical,
67 12 clinical and oral diagnostic tests for interpretation by the
67 13 dentist, and preparation of preliminary written records of
67 14 oral conditions for interpretation by the dentist. Such
67 15 services shall be performed under supervision of a licensed
67 16 dentist and in a dental office, a public or private school,
67 17 public health agencies, hospitals, and the armed forces, but
67 18 nothing herein shall be construed to authorize a dental
67 19 hygienist to practice dentistry.

67 20 Sec. 135. Section 153.22, Code 2007, is amended to read as
67 21 follows:

67 22 153.22 RESIDENT LICENSE.

67 23 A dentist or dental hygienist who is serving only as a
67 24 resident, intern, or graduate student and who is not licensed
67 25 to practice in this state is required to obtain from the board
67 26 ~~of dentistry~~ a temporary or special license to practice as a
67 27 resident, intern, or graduate student. The license shall be
67 28 designated "Resident License" and shall authorize the licensee
67 29 to serve as a resident, intern, or graduate student only,
67 30 under the supervision of a licensed practitioner, in an
67 31 institution approved for this purpose by the board. Such
67 32 license shall be renewed at the discretion of the board. The
67 33 fee for a resident license and the renewal fee shall be set by
67 34 the board based upon the cost of issuance of the license. The
67 35 board shall determine in each instance those eligible for a



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68 1 resident license, whether or not examinations shall be given,
68 2 and the type of examination. None of the requirements for
68 3 regular permanent licensure are mandatory for resident
68 4 licensure except as specifically designated by the board. The
68 5 issuance of a resident license shall not in any way indicate
68 6 that the person so licensed is necessarily eligible for
68 7 regular licensure, ~~nor is or that the board in any way is~~
68 8 obligated to so license ~~such individual the person~~. The board
68 9 may revoke a resident license at any time it shall determine
68 10 either that the caliber of work done by a licensee or the type
68 11 of supervision being given such licensee does not conform to
68 12 reasonable standards established by the board.

68 13 Sec. 136. Section 153.33, subsection 2, Code 2007, is
68 14 amended to read as follows:

68 15 2. To appoint investigators, who shall not be members of
68 16 the ~~examining~~ board, to administer and aid in the enforcement
68 17 of the provisions of law relating to those persons licensed to
68 18 practice dentistry and dental hygiene, and persons registered
68 19 as dental assistants. The amount of compensation for the
68 20 investigators shall be determined pursuant to chapter 8A,
68 21 subchapter IV. Investigators authorized by the board ~~of~~
~~68 22 dental examiners~~ have the powers and status of peace officers
68 23 when enforcing this chapter and chapters 147 and 272C.

68 24 Sec. 137. Section 153.33A, subsection 1, Code 2007, is
68 25 amended to read as follows:

68 26 1. A three-member dental hygiene committee of the board ~~of~~
~~68 27 dental examiners~~ is created, consisting of the two dental
68 28 hygienist members of the board and one dentist member of the
68 29 board. The dentist member of the committee must have
68 30 supervised and worked in collaboration with a dental hygienist
68 31 for a period of at least three years immediately preceding
68 32 election to the committee. The dentist member shall be
68 33 elected to the committee annually by a majority vote of board
68 34 members.

68 35 Sec. 138. Section 153.34, subsection 4, Code 2007, is
69 1 amended to read as follows:

69 2 4. For willful or repeated violations of this chapter,
69 3 this subtitle, or the rules of the ~~state board of dentistry~~.

69 4 Sec. 139. Section 153.36, subsections 2 and 3, Code 2007,
69 5 are amended to read as follows:

69 6 2. In addition to the provisions of section 272C.2,
69 7 subsection 4, a person licensed by the board ~~of dental~~
~~69 8 examiners~~ shall also be deemed to have complied with
69 9 continuing education requirements of this state if, during
69 10 periods that the person practiced the profession in another
69 11 state or district, the person met all of the continuing
69 12 education and other requirements of that state or district for
69 13 the practice of the occupation or profession.

69 14 3. Notwithstanding the panel composition provisions in
69 15 section 272C.6, subsection 1, the ~~board of dental examiners'~~
69 16 board's disciplinary hearing panels shall be comprised of
69 17 three board members, at least two of which are licensed in the
69 18 profession.

69 19 Sec. 140. Section 153.37, Code 2007, is amended to read as
69 20 follows:

69 21 153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY



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69 22 PERMITS.

69 23 The ~~state board of dental examiners~~ may issue a faculty
69 24 permit entitling the holder to practice dentistry or dental
69 25 hygiene within a college of dentistry or a dental hygiene
69 26 program and affiliated teaching facilities as an adjunct to
69 27 the faculty member's teaching position, associated
69 28 responsibilities, and functions. The dean of the college of
69 29 dentistry or chairperson of a dental hygiene program shall
69 30 certify to the ~~state board of dental examiners~~ those bona fide
69 31 members of the college's or a dental hygiene program's faculty
69 32 who are not licensed and registered to practice dentistry or
69 33 dental hygiene in Iowa. Any faculty member so certified
69 34 shall, prior to commencing the member's duties in the college
69 35 of dentistry or a dental hygiene program, make written



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70 1 application to the ~~state board of dental examiners~~ for a
70 2 permit. The permit shall be for a period determined by the
70 3 board and may be renewed at the discretion of the ~~state board~~
70 4 ~~of dental examiners~~. The fee for the faculty permit and the
70 5 renewal shall be set by the ~~state board of dental examiners~~
70 6 based upon the administrative cost of issuance of the permit.
70 7 The fee shall be deposited in the same manner as fees provided
70 8 for in section 147.82. The faculty permit shall be valid
70 9 during the time the holder remains a member of the faculty and
70 10 shall subject the holder to all provisions of this chapter.

70 11 Sec. 141. Section 153.38, Code 2007, is amended to read as
70 12 follows:

70 13 153.38 DENTAL ASSISTANTS == SCOPE OF PRACTICE.

70 14 A registered dental assistant may perform those services of
70 15 assistance to a licensed dentist as determined by the board ~~of~~
~~70 16 dentistry~~ by rule. Such services shall be performed under
70 17 supervision of a licensed dentist in a dental office, a public
70 18 or private school, public health agencies, hospitals, and the
70 19 armed forces, but shall not be construed to authorize a dental
70 20 assistant to practice dentistry or dental hygiene. Every
70 21 licensed dentist who utilizes the services of a registered
70 22 dental assistant for the purpose of assistance in the practice
70 23 of dentistry shall be responsible for acts delegated to the
70 24 registered dental assistant. A dentist shall delegate to a
70 25 registered dental assistant only those acts which are
70 26 authorized to be delegated to registered dental assistants by
70 27 the board ~~of dentistry~~.

70 28 Sec. 142. Section 154.1, Code 2007, is amended to read as
70 29 follows:

70 30 154.1 BOARD DEFINED == OPTOMETRY == CERTIFIED LICENSED
70 31 OPTOMETRISTS == THERAPEUTICALLY CERTIFIED OPTOMETRISTS.

70 32 1. As used in this chapter, "board" means the board of
70 33 optometry, created under chapter 147.

70 34 2. For the purpose of this subtitle, the following classes
70 35 of persons shall be deemed to be engaged in the practice of



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71 1 optometry:

71 2 1. a. Persons employing any means other than the use of
71 3 drugs, medicine, or surgery for the measurement of the visual
71 4 power and visual efficiency of the human eye; the prescribing
71 5 and adapting of lenses, prisms and contact lenses, and the
71 6 using or employing of visual training or ocular exercise, for
71 7 the aid, relief, or correction of vision.

71 8 ~~2.~~ b. Persons who allow the public to use any mechanical
71 9 device for such purpose.

71 10 ~~3.~~ c. Persons who publicly profess to be optometrists and
71 11 to assume the duties incident to said profession.

71 12 3. Certified licensed optometrists may employ
71 13 cycloplegics, mydriatics, and topical anesthetics as
71 14 diagnostic agents topically applied to determine the condition
71 15 of the human eye for proper optometric practice or referral
71 16 for treatment to a person licensed under chapter 148 or 150A.
71 17 A certified licensed optometrist is an optometrist who is
71 18 licensed to practice optometry in this state and who is
71 19 certified by the board ~~of optometry examiners~~ to use
71 20 diagnostic agents. A certified licensed optometrist shall be
71 21 provided with a distinctive certificate by the board which
71 22 shall be displayed for viewing by the patients of the
71 23 optometrist.

71 24 4. Therapeutically certified optometrists may employ all
71 25 diagnostic and therapeutic pharmaceutical agents for the
71 26 purpose of diagnosis and treatment of conditions of the human
71 27 eye and adnexa pursuant to this paragraph, excluding the use
71 28 of injections other than to counteract an anaphylactic
71 29 reaction, and notwithstanding section 147.107, may without
71 30 charge supply any of the above pharmaceuticals to commence a
71 31 course of therapy. Therapeutically certified optometrists may
71 32 prescribe oral steroids for a period not to exceed fourteen
71 33 days without consultation with a primary care physician.
71 34 Therapeutically certified optometrists shall not prescribe
71 35 oral Imuran or oral Methotrexate. Therapeutically certified



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72 1 optometrists may be authorized, where reasonable and
72 2 appropriate, by rule of the board, to employ new diagnostic
72 3 and therapeutic pharmaceutical agents approved by the United
72 4 States food and drug administration on or after July 1, 2002,
72 5 for the diagnosis and treatment of the human eye and adnexa.
72 6 The board shall not be required to adopt rules relating to
72 7 topical pharmaceutical agents, oral antimicrobial agents, oral
72 8 antihistamines, oral antiglaucoma agents, and oral analgesic
72 9 agents. Superficial foreign bodies may be removed from the
72 10 human eye and adnexa. The therapeutic efforts of a
72 11 therapeutically certified optometrist are intended for the
72 12 purpose of examination, diagnosis, and treatment of visual
72 13 defects, abnormal conditions, and diseases of the human eye
72 14 and adnexa, for proper optometric practice or referral for
72 15 consultation or treatment to persons licensed under chapter
72 16 148 or 150A. A therapeutically certified optometrist is an
72 17 optometrist who is licensed to practice optometry in this
72 18 state and who is certified by the board ~~of optometry examiners~~
72 19 to use the agents and procedures authorized pursuant to this
72 20 paragraph. A therapeutically certified optometrist shall be
72 21 provided with a distinctive certificate by the board which
72 22 shall be displayed for viewing by the patients of the
72 23 optometrist.

72 24 Sec. 143. Section 154.3, subsections 3, 4, 5, 6, and 8,
72 25 Code 2007, are amended to read as follows:

72 26 3. A person licensed as an optometrist prior to January 1,
72 27 1980, who applies to be a certified licensed optometrist shall
72 28 first satisfactorily complete a course consisting of at least
72 29 one hundred contact hours in pharmacology as it applies to
72 30 optometry including clinical training as it applies to
72 31 optometry with particular emphasis on the topical application
72 32 of diagnostic agents to the human eye and possible adverse
72 33 reactions thereto, for the purpose of examination of the human
72 34 eye and the diagnosis of conditions of the human eye, provided
72 35 by an institution accredited by a regional or professional



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73 1 accreditation organization which is recognized or approved by
73 2 the council on postsecondary accreditation or the United
73 3 States office of education, and approved by the board of
~~73 4 optometry examiners.~~
73 5 4. In addition to the examination required by subsection
73 6 1, paragraph "c", a person applying to be a certified licensed
73 7 optometrist shall also pass an examination prescribed by the
73 8 ~~optometry examiners board~~ in the subjects of physiology and
73 9 pathology appropriate to the use of diagnostic pharmaceutical
73 10 agents and diagnosis of conditions of the human eye, and
73 11 pharmacology including systemic effects of ophthalmic
73 12 diagnostic pharmaceutical agents and the possible adverse
73 13 reactions thereto, authorized for use by optometrists by
73 14 section 154.1.
73 15 5. A person applying to be licensed as an optometrist
73 16 after January 1, 1986, shall also apply to be a
73 17 therapeutically certified optometrist and shall, in addition
73 18 to satisfactorily completing all requirements for a license to
73 19 practice optometry, satisfactorily complete a course as
73 20 defined by rule of the ~~state board of optometry examiners~~ with
73 21 particular emphasis on the examination, diagnosis and
73 22 treatment of conditions of the human eye and adnexa provided
73 23 by an institution accredited by a regional or professional
73 24 accreditation organization which is recognized or approved by
73 25 the council on postsecondary accreditation of the United
73 26 States office of education, and approved by the board of
~~73 27 optometry examiners.~~ The ~~rule~~ rules of the board shall
73 28 require a course including a minimum of forty hours of
73 29 didactic education and sixty hours of approved supervised
73 30 clinical training in the examination, diagnosis, and treatment
73 31 of conditions of the human eye and adnexa. The board may
73 32 also, by rule, provide a procedure by which an applicant who
73 33 has received didactic education meeting the requirements of
73 34 rules adopted pursuant to this subsection at an approved
73 35 school of optometry may apply to the board for a waiver of the



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74 1 didactic education requirements of this subsection.

74 2 6. A person licensed in any state as an optometrist prior

74 3 to January 1, 1986, who applies to be a therapeutically

74 4 certified optometrist shall first satisfactorily complete a

74 5 course as defined by rule of the board ~~of optometry examiners~~

74 6 with particular emphasis on the examination, diagnosis, and

74 7 treatment of conditions of the human eye and adnexa provided

74 8 by an institution accredited by a regional or professional

74 9 accreditation organization which is recognized or approved by

74 10 the council on postsecondary accreditation of the United

74 11 States office of education, and approved by the board ~~of~~

~~74 12 optometry examiners.~~ The rule of the board shall require a

74 13 course including a minimum of forty hours of didactic

74 14 education and sixty hours of approved supervised clinical

74 15 training in the examination, diagnosis, and treatment of

74 16 conditions of the human eye and adnexa. Effective July 1,

74 17 1987, the board shall require that therapeutically certified

74 18 optometrists prior to the utilization of topical and oral

74 19 antiglaucoma agents, oral antimicrobial agents, and oral

74 20 analgesic agents shall complete an additional forty-four hours

74 21 of education with emphasis on treatment and management of

74 22 glaucoma and use of oral pharmaceutical agents for treatment

74 23 and management of ocular diseases, provided by an institution

74 24 accredited by a regional or professional accreditation

74 25 organization which is recognized or approved by the council on

74 26 postsecondary accreditation of the United States office of

74 27 education, and approved by the board ~~of optometry examiners.~~

74 28 Upon completion of the additional forty-four hours of

74 29 education, a therapeutically certified optometrist shall also

74 30 pass an oral or written examination prescribed by the board.

74 31 The board shall suspend the optometrist's therapeutic

74 32 certificate for failure to comply with this subsection by July

74 33 1, 1988.

74 34 The board shall adopt rules requiring an additional twenty

74 35 hours per biennium of continuing education in the treatment



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75 1 and management of ocular disease for all therapeutically
75 2 certified optometrists. The department of ophthalmology of
75 3 the school of medicine of the state university of Iowa shall
75 4 be one of the providers of this continuing education.
75 5 8. In addition to the examination required by subsection
75 6 1, paragraph "c", a person applying to be a therapeutically
75 7 certified optometrist shall also pass an examination
75 8 prescribed by the board of ~~optometry examiners~~ in the
75 9 examination, diagnosis, and treatment of diseases of the human
75 10 eye and adnexa.
75 11 Sec. 144. Section 154.5, unnumbered paragraph 1, Code
75 12 2007, is amended to read as follows:
75 13 ~~No~~ A school of optometry shall not be approved by the
75 14 ~~optometry examiners board~~ as a school of recognized standing
75 15 unless ~~said~~ the school:
75 16 Sec. 145. Section 154A.1, subsection 1, Code 2007, is
75 17 amended to read as follows:
75 18 1. "Board" means the board of ~~examiners for the licensing~~
~~75 19 and regulation of hearing aid dispensers.~~
75 20 Sec. 146. Section 154A.24, subsection 3, paragraph e, Code
75 21 2007, is amended to read as follows:
75 22 e. Representing that the service or advice of a person
75 23 licensed to practice medicine, or one who is certificated as a
75 24 clinical audiologist by the board of ~~examiners~~ of speech
75 25 pathology and audiology or its equivalent, will be used or
75 26 made available in the fitting or selection, adjustment,
75 27 maintenance, or repair of hearing aids when that is not true,
75 28 or using the words "doctor", "clinic", "clinical audiologist",
75 29 "state approved", or similar words, abbreviations, or symbols
75 30 which tend to connote the medical or other professions, except
75 31 where the title "certified hearing aid audiologist" has been
75 32 granted by the national hearing aid society, or that the
75 33 hearing aid dispenser has been recommended by this state or
75 34 the board when such is not accurate.
75 35 Sec. 147. Section 154C.1, subsection 1, Code 2007, is



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76 1 amended to read as follows:

76 2 1. "Board" means the board of social work, ~~examiners~~
76 3 established in chapter 147.

76 4 Sec. 148. Section 154C.3, subsection 1, paragraph c,
76 5 subparagraph (5), Code 2007, is amended to read as follows:

76 6 (5) Supervision shall be provided in any of the following
76 7 manners:

76 8 (a) By a social worker licensed at least at the level of
76 9 the social worker being supervised and qualified under this
76 10 section to practice without supervision.

76 11 (b) By another qualified professional, if the board of
~~76 12 social work examiners~~ determines that supervision by a social
76 13 worker as defined in subparagraph subdivision (a) is
76 14 unobtainable or in other situations considered appropriate by
76 15 the board.

76 16 Additional standards for supervision shall be determined by
76 17 the board of ~~social work examiners~~.

76 18 Sec. 149. Section 154D.1, subsection 1, Code 2007, is
76 19 amended to read as follows:

76 20 1. "Board" means the board of behavioral science
76 21 ~~examiners~~, established in ~~section 147.13~~ chapter 147.

76 22 Sec. 150. Section 154E.1, subsection 1, Code 2007, is
76 23 amended to read as follows:

76 24 1. "Board" means the board of ~~interpreter for the hearing~~
~~76 25 impaired examiners sign language interpreters and~~
76 26 translitterators, established in chapter 147.

76 27 Sec. 151. Section 155.1, subsection 1, Code 2007, is
76 28 amended to read as follows:

76 29 1. "Board" means the ~~Iowa state board of examiners for~~
76 30 nursing home administrators hereinafter created, established
76 31 in chapter 147.

76 32 Sec. 152. Section 155.2, unnumbered paragraph 1, Code
76 33 2007, is amended to read as follows:

76 34 There is established a ~~state board of examiners for~~ nursing
76 35 home administrators which shall consist of nine members



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77 1 appointed by the governor subject to confirmation by the
77 2 senate as follows:
77 3 Sec. 153. Section 155A.3, subsection 3, Code 2007, is
77 4 amended to read as follows:
77 5 3. "Board" means the board of pharmacy ~~examiners~~.
77 6 Sec. 154. Section 155A.21, subsection 2, Code 2007, is
77 7 amended to read as follows:
77 8 2. Subsection 1 does not apply to a licensed pharmacy,
77 9 licensed wholesaler, physician, veterinarian, dentist,
77 10 podiatric physician, therapeutically certified optometrist,
77 11 advanced registered nurse practitioner, physician assistant, a
77 12 nurse acting under the direction of a physician, or the board
77 13 of pharmacy ~~examiners~~, its officers, agents, inspectors, and
77 14 representatives, ~~not~~ or to a common carrier, manufacturer's
77 15 representative, or messenger when transporting the drug or
77 16 device in the same unbroken package in which the drug or
77 17 device was delivered to that person for transportation.
77 18 Sec. 155. Section 155A.26, Code 2007, is amended to read
77 19 as follows:
77 20 155A.26 ENFORCEMENT == AGENTS AS PEACE OFFICERS.
77 21 The board ~~of pharmacy examiners~~, its officers, agents,
77 22 inspectors, and representatives, and all peace officers within
77 23 the state, and all county attorneys shall enforce all
77 24 provisions of this chapter, except those specifically
77 25 delegated, and shall cooperate with all agencies charged with
77 26 the enforcement of the laws of the United States, of this
77 27 state, and of all other states relating to prescription drugs.
77 28 Officers, agents, inspectors, and representatives of the board
77 29 ~~of pharmacy examiners~~ shall have the powers and status of
77 30 peace officers when enforcing the provisions of this chapter.
77 31 Sec. 156. Section 156.1, subsection 1, Code 2007, is
77 32 amended to read as follows:
77 33 1. "Board" means the board of mortuary science ~~examiners~~.
77 34 Sec. 157. Section 157.1, subsection 1, Code 2007, is
77 35 amended to read as follows:



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78 1 1. "Board" means the board of cosmetology arts and
78 2 sciences ~~examiners~~.
78 3 Sec. 158. Section 157.1, subsection 6, paragraph e, Code
78 4 2007, is amended to read as follows:
78 5 e. Manicuring and pedicuring.
78 6 Sec. 159. Section 158.1, subsection 5, Code 2007, is
78 7 amended to read as follows:
78 8 5. "Board" means the board of ~~barber examiners~~ barbering.
78 9 Sec. 160. Section 205.6, Code 2007, is amended to read as
78 10 follows:
78 11 205.6 POISON REGISTER.
78 12 It shall be unlawful for any pharmacist to sell at retail
78 13 any of the poisons enumerated in section 205.5 unless the
78 14 pharmacist ascertains that the purchaser is aware of the
78 15 character of the drug and the purchaser represents that it is
78 16 to be used for a proper purpose and every sale of any poison
78 17 enumerated in section 205.5 shall be entered in a book kept
78 18 for that purpose, to be known as a "Poison Register" and the
78 19 same shall show the date of the sale, the name and address of
78 20 the purchaser, the name of the poison, the purpose for which
78 21 it was represented to be purchased, and the name of the
78 22 natural person making the sale, which book or books shall be
78 23 open for inspection by the board of pharmacy ~~examiners~~, or any
78 24 magistrate or peace officer of this state, and preserved for
78 25 at least five years after the date of the last sale therein
78 26 recorded.
78 27 Sec. 161. Section 205.11, Code 2007, is amended to read as
78 28 follows:
78 29 205.11 ENFORCEMENT.
78 30 The provisions of this chapter and chapters 124 and 126
78 31 shall be administered and enforced by the board of pharmacy
78 32 ~~examiners~~. In discharging any duty or exercising any power
78 33 under those chapters, the board of pharmacy ~~examiners~~ shall be
78 34 governed by all the provisions of chapter 189, which govern
78 35 the department of agriculture and land stewardship when
79 1 discharging a similar duty or exercising a similar power with
79 2 reference to any of the articles dealt with in this subtitle,
79 3 to the extent that chapter 189 is not inconsistent with this
79 4 chapter and chapters 124 and 126.
79 5 Sec. 162. Section 205.12, Code 2007, is amended to read as
79 6 follows:
79 7 205.12 CHEMICAL ANALYSIS OF DRUGS.
79 8 Any chemical analysis deemed necessary by the board of
79 9 pharmacy ~~examiners~~ in the enforcement of this chapter and
79 10 chapters 124 and 126 shall be made by the department of
79 11 agriculture and land stewardship when requested by the board
79 12 of pharmacy ~~examiners~~.
79 13 Sec. 163. Section 205.13, Code 2007, is amended to read as
79 14 follows:
79 15 205.13 APPLICABILITY OF OTHER STATUTES.
79 16 Insofar as applicable the provisions of chapter 189 shall
79 17 apply to the articles dealt with in this chapter and chapters
79 18 124 and 126. The powers vested in the department of
79 19 agriculture and land stewardship by chapter 189 shall be
79 20 deemed for the purpose of this chapter and chapters 124 and
79 21 126 to be vested in the board of pharmacy ~~examiners~~.



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79 22 Sec. 164. Section 232.69, subsection 3, paragraph a, Code
79 23 2007, is amended to read as follows:

79 24 a. For the purposes of this subsection, "licensing board"
79 25 means ~~an examining~~ a board designated in section 147.13, the
79 26 board of educational examiners created in section 272.2, or a
79 27 licensing board as defined in section 272C.1.

79 28 Sec. 165. Section 232.69, subsection 3, paragraph d,
79 29 subparagraph (1), Code 2007, is amended to read as follows:

79 30 (1) A continuing education program required under chapter
79 31 272C and approved by the appropriate licensing ~~or examining~~
79 32 board.

79 33 Sec. 166. Section 235A.15, subsection 2, paragraph d,
79 34 subparagraph (7), Code 2007, is amended to read as follows:

79 35 (7) Each licensing board ~~of examiners~~ specified under



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80 1 chapter 147 and the Iowa department of public health for the
80 2 purpose of licensure, certification or registration,
80 3 disciplinary investigation, or the renewal of licensure,
80 4 certification or registration, or disciplinary proceedings of
80 5 health care professionals.

80 6 Sec. 167. Section 235B.6, subsection 2, paragraph b,
80 7 subparagraph (7), Code 2007, is amended to read as follows:

80 8 (7) Each board ~~of examiners~~ specified under chapter 147
80 9 and the Iowa department of public health for the purpose of
80 10 licensure, certification or registration, disciplinary
80 11 investigation, or the renewal of licensure, certification or
80 12 registration, or disciplinary proceedings of health care
80 13 professionals.

80 14 Sec. 168. Section 235B.16, subsection 5, paragraph a, Code
80 15 2007, is amended to read as follows:

80 16 a. For the purposes of this subsection, "licensing board"
80 17 means ~~an examining~~ a board designated in section 147.13, the
80 18 board of educational examiners created in section 272.2, or a
80 19 licensing board as defined in section 272C.1.

80 20 Sec. 169. Section 235B.16, subsection 5, paragraph d,
80 21 subparagraph (1), Code 2007, is amended to read as follows:

80 22 (1) A continuing education program required under chapter
80 23 272C and approved by the appropriate licensing ~~or examining~~
80 24 board.

80 25 Sec. 170. Section 235B.16, subsection 5, paragraph e, Code
80 26 2007, is amended to read as follows:

80 27 e. A person required to complete both child abuse and
80 28 dependent adult abuse mandatory reporter training may complete
80 29 the training through a program which combines child abuse and
80 30 dependent adult abuse curricula and thereby meet the training
80 31 requirements of both this subsection and section 232.69
80 32 simultaneously. A person who is a mandatory reporter for both
80 33 child abuse and dependent adult abuse may satisfy the combined
80 34 training requirements of this subsection and section 232.69
80 35 through completion of a two-hour training program, if the



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81 1 training program curriculum is approved by the appropriate
81 2 licensing ~~or-examining~~ board or the abuse education review
81 3 panel established by the director of public health pursuant to
81 4 section 135.11.
81 5 Sec. 171. Section 272C.1, subsection 6, Code 2007, is
81 6 amended to read as follows:
81 7 6. "Licensing board" or "board" includes the following
81 8 boards:
81 9 a. The state board of engineering and land surveying
81 10 examiners, created pursuant to chapter 542B.
81 11 b. The board of examiners of shorthand reporters created
81 12 pursuant to article 3 of chapter 602.
81 13 c. The Iowa accountancy examining board, created pursuant
81 14 to chapter 542.
81 15 d. The Iowa real estate commission, created pursuant to
81 16 chapter 543B.
81 17 e. The board of architectural examiners, created pursuant
81 18 to chapter 544A.
81 19 f. The Iowa board of landscape architectural examiners,
81 20 created pursuant to chapter 544B.
81 21 g. The board of ~~barber-examiners~~ barbering, created
81 22 pursuant to chapter 147.
81 23 h. The board of chiropractic ~~examiners~~, created pursuant
81 24 to chapter 147.
81 25 i. The board of cosmetology arts and sciences ~~examiners~~,
81 26 created pursuant to chapter 147.
81 27 j. The board of ~~dental-examiners~~ dentistry, created
81 28 pursuant to chapter 147.
81 29 k. The board of mortuary science ~~examiners~~, created
81 30 pursuant to chapter 147.
81 31 l. The board of ~~medical-examiners~~ medicine, created
81 32 pursuant to chapter 147.
81 33 m. The board of ~~physician assistant-examiners~~ assistants,
81 34 created pursuant to chapter 148C.
81 35 n. The board of nursing, created pursuant to chapter 147.



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- 82 1 o. The board of ~~examiners for~~ nursing home administrators,
82 2 created pursuant to chapter 155.
- 82 3 p. The board of optometry ~~examiners~~, created pursuant to
82 4 chapter 147.
- 82 5 q. The board of pharmacy ~~examiners~~, created pursuant to
82 6 chapter 147.
- 82 7 r. The board of physical and occupational therapy
82 8 ~~examiners~~, created pursuant to chapter 147.
- 82 9 s. The board of podiatry ~~examiners~~, created pursuant to
82 10 chapter 147.
- 82 11 t. The board of psychology ~~examiners~~, created pursuant to
82 12 chapter 147.
- 82 13 u. The board of speech pathology and audiology ~~examiners~~,
82 14 created pursuant to chapter 147.
- 82 15 v. The board ~~for the licensing and regulation~~ of hearing
82 16 aid dispensers, created pursuant to chapter 154A.
- 82 17 w. The board of veterinary medicine, created pursuant to
82 18 chapter 169.
- 82 19 x. The director of the department of natural resources in
82 20 certifying water treatment operators as provided in sections
82 21 455B.211 through 455B.224.
- 82 22 y. Any professional or occupational licensing board
82 23 created after January 1, 1978.
- 82 24 z. The ~~state~~ board of respiratory care in licensing
82 25 respiratory care practitioners pursuant to chapter 152B.
- 82 26 aa. The board of ~~examiners for~~ athletic training in
82 27 licensing athletic trainers pursuant to chapter 152D.
- 82 28 ab. The board of ~~examiners for~~ massage therapy in
82 29 licensing massage therapists pursuant to chapter 152C.
- 82 30 ac. The board of ~~interpreter for the hearing impaired~~
~~82 31 examiners sign language interpreters and transliterators,~~
82 32 created pursuant to chapter 154E.
- 82 33 ad. The director of public health in certifying emergency
82 34 medical care providers and emergency medical care services
82 35 pursuant to chapter 147A.



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83 1 Sec. 172. Section 272C.2, subsections 4 and 5, Code 2007,
83 2 are amended to read as follows:

83 3 4. A person licensed to practice an occupation or
83 4 profession in this state shall be deemed to have complied with
83 5 the continuing education requirements of this state during
83 6 periods that the person serves honorably on active duty in the
83 7 military services, or for periods that the person is a
83 8 resident of another state or district having a continuing
83 9 education requirement for the occupation or profession and
83 10 meets all requirements of that state or district for practice
83 11 therein, or for periods that the person is a government
83 12 employee working in the person's licensed specialty and
83 13 assigned to duty outside of the United States, or for other
83 14 periods of active practice and absence from the state approved
83 15 by the appropriate licensing board ~~of examiners~~.

83 16 5. A person licensed to sell real estate in this state
83 17 shall be deemed to have complied with the continuing education
83 18 requirements of this state during periods that the person
83 19 serves honorably on active duty in the military services, or
83 20 for periods that the person is a resident of another state or
83 21 district having a continuing education requirement for the
83 22 occupation or profession and meets all requirements of that
83 23 state or district for practice therein, if the state or
83 24 district accords the same privilege to Iowa residents, or for
83 25 periods that the person is a government employee working in
83 26 the person's licensed specialty and assigned to duty outside
83 27 of the United States, or for other periods of active practice
83 28 and absence from the state approved by the appropriate
83 29 licensing board ~~of examiners~~.

83 30 Sec. 173. Section 272C.2A, Code 2007, is amended to read
83 31 as follows:

83 32 272C.2A CONTINUING EDUCATION MINIMUM REQUIREMENTS ==
83 33 BARBERING AND COSMETOLOGY ARTS AND SCIENCES.

83 34 The board of ~~barber examiners~~ barbering and the board of
83 35 cosmetology arts and sciences ~~examiners~~, created pursuant to



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House File 401 continued

84 1 chapter 147, shall each require, as a condition of license
84 2 renewal, a minimum of six hours of continuing education in the
84 3 two years immediately prior to a licensee's license renewal.
84 4 The board of cosmetology arts and sciences ~~examiners~~ may
84 5 notify cosmetology arts and sciences licensees on a quarterly
84 6 basis regarding continuing education opportunities.

84 7 Sec. 174. Section 321J.2, subsection 7, paragraph a, Code
84 8 2007, is amended to read as follows:

84 9 a. This section does not apply to a person operating a
84 10 motor vehicle while under the influence of a drug if the
84 11 substance was prescribed for the person and was taken under
84 12 the prescription and in accordance with the directions of a
84 13 medical practitioner as defined in chapter 155A or if the
84 14 substance was dispensed by a pharmacist without a prescription
84 15 pursuant to the rules of the board of pharmacy ~~examiners~~, if
84 16 there is no evidence of the consumption of alcohol and the
84 17 medical practitioner or pharmacist had not directed the person
84 18 to refrain from operating a motor vehicle.

84 19 Sec. 175. Section 331.756, subsection 40, Code 2007, is
84 20 amended to read as follows:

84 21 40. Prosecute violations of the Iowa drug, device, and
84 22 cosmetic Act as requested by the board of pharmacy ~~examiners~~
84 23 as provided in section 126.7.

84 24 Sec. 176. Section 462A.14, subsection 7, paragraph a, Code
84 25 2007, is amended to read as follows:

84 26 a. This section does not apply to a person operating a
84 27 motorboat or sailboat while under the influence of a drug if
84 28 the substance was prescribed for the person and was taken
84 29 under the prescription and in accordance with the directions
84 30 of a medical practitioner as defined in chapter 155A or if the
84 31 substance was dispensed by a pharmacist without a prescription
84 32 pursuant to the rules of the board of pharmacy ~~examiners~~, if
84 33 there is no evidence of the consumption of alcohol and the
84 34 medical practitioner or pharmacist had not directed the person
84 35 to refrain from operating a motor vehicle, or motorboat or



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85 1 sailboat.
85 2 Sec. 177. Section 514F.1, Code 2007, is amended to read as
85 3 follows:

85 4 514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.
85 5 The licensing boards ~~of examiners~~ under chapters 148, 149,
85 6 150, 150A, 151, and 152 shall establish utilization and cost
85 7 control review committees of licensees under the respective
85 8 chapters, selected from licensees who have practiced in Iowa
85 9 for at least the previous five years, or shall accredit and
85 10 designate other utilization and cost control organizations as
85 11 utilization and cost control committees under this section,
85 12 for the purposes of utilization review of the appropriateness
85 13 of levels of treatment and of giving opinions as to the
85 14 reasonableness of charges for diagnostic or treatment services
85 15 of licensees. Persons governed by the various chapters of
85 16 Title XIII, subtitle 1, of the Code and self-insurers for
85 17 health care benefits to employees may utilize the services of
85 18 the utilization and cost control review committees upon the
85 19 payment of a reasonable fee for the services, to be determined
85 20 by the respective boards ~~of examiners~~. The respective boards
85 21 ~~of examiners~~ under chapters 148, 149, 150, 150A, 151, and 152
85 22 shall adopt rules necessary and proper for the ~~implementation~~
85 23 administration of this section pursuant to chapter 17A. It is
85 24 the intent of this general assembly that conduct of the
85 25 utilization and cost control review committees authorized
85 26 under this section shall be exempt from challenge under
85 27 federal or state antitrust laws or other similar laws in
85 28 regulation of trade or commerce.

85 29 Sec. 178. Section 523A.813, Code 2007, is amended to read
85 30 as follows:

85 31 523A.813 LICENSE REVOCATION == RECOMMENDATION BY
85 32 COMMISSIONER TO BOARD OF MORTUARY SCIENCE ~~EXAMINERS~~.

85 33 Upon a determination by the commissioner that grounds exist
85 34 for an administrative license revocation or suspension action
85 35 by the board of mortuary science ~~examiners~~ under chapter 156,



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86 1 the commissioner may forward to the board the grounds for the
86 2 determination, including all evidence in the possession of the
86 3 commissioner, so that the board may proceed with the matter as
86 4 deemed appropriate.

86 5 Sec. 179. Section 622.10, subsection 5, Code 2007, is
86 6 amended to read as follows:

86 7 5. For the purposes of this section, "mental health
86 8 professional" means a psychologist licensed under chapter
86 9 154B, a registered nurse licensed under chapter 152, a social
86 10 worker licensed under chapter 154C, a marital and family
86 11 therapist licensed under chapter 154D, a mental health
86 12 counselor licensed under chapter 154D, or an individual
86 13 holding at least a master's degree in a related field as
86 14 deemed appropriate by the board of behavioral science
86 15 ~~examiners~~.

86 16 Sec. 180. Section 622.31, Code 2007, is amended to read as
86 17 follows:

86 18 622.31 EVIDENCE OF REGRET OR SORROW.

86 19 In any civil action for professional negligence, personal
86 20 injury, or wrongful death or in any arbitration proceeding for
86 21 professional negligence, personal injury, or wrongful death
86 22 against a person in a profession represented by the ~~examining~~
86 23 boards listed in section 272C.1 and any other licensed
86 24 profession recognized in this state, a hospital licensed
86 25 pursuant to chapter 135B, or a health care facility licensed
86 26 pursuant to chapter 135C, based upon the alleged negligence in
86 27 the practice of that profession or occupation, that portion of
86 28 a statement, affirmation, gesture, or conduct expressing
86 29 sorrow, sympathy, commiseration, condolence, compassion, or a
86 30 general sense of benevolence that was made by the person to
86 31 the plaintiff, relative of the plaintiff, or decision maker
86 32 for the plaintiff that relates to the discomfort, pain,
86 33 suffering, injury, or death of the plaintiff as a result of an
86 34 alleged breach of the applicable standard of care is
86 35 inadmissible as evidence. Any response by the plaintiff,



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87 1 relative of the plaintiff, or decision maker for the plaintiff
87 2 to such statement, affirmation, gesture, or conduct is
87 3 similarly inadmissible as evidence.

87 4 Sec. 181. Section 707.8A, subsection 7, Code 2007, is
87 5 amended to read as follows:

87 6 7. a. A licensed physician subject to the authority of
87 7 the ~~state board of medical examiners~~ medicine who is accused
87 8 of a violation of subsection 2 may seek a hearing before the
87 9 board on whether the physician's conduct was necessary to save
87 10 the life of the mother whose life was endangered by a physical
87 11 disorder, physical illness, or physical injury.

87 12 b. The board's findings concerning the physician's conduct
87 13 are admissible at the criminal trial of the physician. Upon a
87 14 motion of the physician, the court shall delay the beginning
87 15 of the trial for not more than thirty days to permit the
87 16 hearing before the board of ~~medical examiners~~ medicine to take
87 17 place.

87 18 Sec. 182. Section 714.25, unnumbered paragraph 2, Code
87 19 2007, is amended to read as follows:

87 20 A proprietary school shall, prior to the time a student is
87 21 obligated for payment of any moneys, inform the student, the
87 22 college student aid commission, and in the case of a school
87 23 licensed under section 157.8, the board of cosmetology
87 24 ~~examiners~~ arts and sciences or in the case of a school
87 25 licensed under section 158.7, the board of ~~barber examiners~~
87 26 barbering, of all of the following:

87 27 Sec. 183. Section 729.6, subsection 1, paragraph e, Code
87 28 2007, is amended to read as follows:

87 29 e. "Licensing agency" means a board, commission,
87 30 committee, council, department, ~~examining board~~, or officer,
87 31 except a judicial officer, in the state, or in a city, county,
87 32 township, or local government, authorized to grant, deny,
87 33 renew, revoke, suspend, annul, withdraw, or amend a license or
87 34 certificate of registration.

87 35 Sec. 184. CODE EDITOR DIRECTIVE. Wherever the term



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House File 401 continued

88 1 "examiners" or "examining board" appears in the Code or in the
88 2 Acts pending codification, in reference to one of the boards
88 3 enumerated in section 147.13, the Code editor is directed to
88 4 change the term to the appropriate board designation as
88 5 enumerated in section 147.13.

88 6 EXPLANATION

88 7 The department of public health contains 23 health-related
88 8 licensing boards. This bill strikes the word "examiners" from
88 9 the name of only these health-related boards, clarifying that
88 10 boards do much more than test applicants for licensure. The
88 11 bill also renames the secretary of the pharmacy board as the
88 12 executive director. Conforming amendments are included in
88 13 numerous chapters throughout the Code.

88 14 LSB 1207HV 82

88 15 jr:rj/je/5.1



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House Resolution 21 - Introduced

PAG LIN

1 1 HOUSE RESOLUTION NO. ____
1 2 BY FORD, BERRY, ABDUL-SAMAD, and H. MILLER
1 3 A Resolution designating February 2007 as Black History
1 4 Month.
1 5 WHEREAS, Black History Month in the United States
1 6 dates back to 1926, based upon the efforts of Dr.
1 7 Carter G. Woodson, a Harvard-educated scholar
1 8 descended from slave parents; and
1 9 WHEREAS, Black History Month is traditionally
1 10 observed in February of each year; and
1 11 WHEREAS, Black History Month is designated to
1 12 recognize and pay tribute to many African-Americans
1 13 long neglected by society and the history books; and
1 14 WHEREAS, Black History Month aims to bridge the gap
1 15 created by American history's failure to accurately
1 16 acknowledge, portray, and record the contributions of
1 17 Blacks in society; and
1 18 WHEREAS, Black History Month acknowledges the
1 19 achievements of Blacks in the military, the arts,
1 20 civil rights, education, entertainment, history, law,
1 21 literature, medicine, music, politics, science,
1 22 sports, and other areas; and
1 23 WHEREAS, the African-American population in Iowa
1 24 has grown from 1.4 percent of the state population in
1 25 1980 to 2.3 percent in 2004, and is projected to grow
1 26 to 3.5 percent of the state population by 2030; and
1 27 WHEREAS, African-Americans in Iowa are increasingly
1 28 assuming leadership roles in law, medicine,
1 29 government, education, the arts, and other areas; and
1 30 WHEREAS, four African-Americans are currently



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House Resolution 21 - Introduced continued

2 1 serving in the House of Representatives, the largest
2 2 number of African-Americans ever in the House; NOW
2 3 THEREFORE,
2 4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 5 That the House of Representatives designates February
2 6 2007 as Black History Month and encourages schools,
2 7 community leaders, religious leaders, and all Iowans
2 8 to take this opportunity to discover the history of
2 9 African-Americans in Iowa, from George Washington
2 10 Carver to James B. Morris to Simon Estes, and to learn
2 11 about the contributions African-Americans continue to
2 12 make to Iowa's economic and cultural well-being.
2 13 LSB 2524HH 82
2 14 jr:rj/gg/14.1



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House Resolution 22 - Introduced

PAG LIN

1 1 HOUSE RESOLUTION NO.
1 2 BY WINCKLER
1 3 A Resolution designating March 2007 as Iowa Women's
1 4 History Month.
1 5 WHEREAS, Iowa women of every race, class, and
1 6 ethnic background have made historic contributions to
1 7 the growth and strength of our state and nation in
1 8 countless recorded and unrecorded ways, including
1 9 through the struggle for women's rights; and
1 10 WHEREAS, Iowa women have played and continue to
1 11 play a critical economic, cultural, and social role by
1 12 constituting a significant portion of the labor force
1 13 working inside and outside the home despite being
1 14 underpaid; and
1 15 WHEREAS, Iowa women were particularly important in
1 16 the establishment of early charitable, philanthropic,
1 17 and cultural institutions in our state and nation; and
1 18 WHEREAS, Iowa women and men ratified the amendment
1 19 to the Iowa Constitution, declaring that "All men and
1 20 women are, by nature, free and equal, and have certain
1 21 inalienable rights"; and
1 22 WHEREAS, Iowa women have been leaders in the
1 23 abolitionist movement, the emancipation movement, the
1 24 industrial labor movement, the civil rights movement,
1 25 the peace movement, and the women's suffrage movement,
1 26 which created a more fair and just society for all;
1 27 and
1 28 WHEREAS, despite these contributions, and those of
1 29 women throughout the world, the role of women has been
1 30 consistently overlooked and undervalued, in the



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House Resolution 22 - Introduced continued

2 1 literature, teaching, and study of history; NOW
2 2 THEREFORE,
2 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 4 That the House of Representatives designates the month
2 5 of March 2007 as Iowa Women's History Month and
2 6 invites the citizens of Iowa to continue to uncover,
2 7 recognize, and honor the roles women have played
2 8 throughout history.
2 9 LSB 2422HH 82
2 10 jr:rj/je/5



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House Study Bill 194

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to and making appropriations from the healthy
- 2 Iowans tobacco trust and the tobacco settlement trust fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1124XG 82
- 5 pf/gg/14



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House Study Bill 194 continued

PAG LIN

1 1 Section 1. HEALTHY IOWANS TOBACCO TRUST == APPROPRIATIONS
 1 2 TO DEPARTMENTS. There is appropriated from the healthy Iowans
 1 3 tobacco trust created in section 12.65 to the following
 1 4 departments for the fiscal year beginning July 1, 2007, and
 1 5 ending June 30, 2008, the following amounts, or so much
 1 6 thereof as is necessary, to be used for the purposes
 1 7 designated:
 1 8 1. To the department of human services:
 1 9 a. To supplement the medical assistance program
 1 10 appropriations for the fiscal year, including for
 1 11 reimbursement of noninstitutional medical assistance providers
 1 12 with the exception of anesthesia and dental providers and to
 1 13 continue the resource-based relative value system of
 1 14 reimbursement based upon the reimbursement rates established
 1 15 for the fiscal year beginning July 1, 2007, and ending June
 1 16 30, 2008; for reimbursement of dental services, hospitals,
 1 17 home health care services, critical access hospitals,
 1 18 expansion of home health care services and habilitative day
 1 19 care for children with special needs, and expansion of respite
 1 20 care services provided through home and community-based
 1 21 waivers based upon the reimbursement rates established for the
 1 22 fiscal year beginning July 1, 2007, and ending June 30, 2008;
 1 23 and for provision of coverage to women who require treatment
 1 24 for breast or cervical cancer as provided in section 249A.3,
 1 25 subsection 2, paragraph "b":
 1 26 \$ 35,327,368
 1 27 Of the amount appropriated in this paragraph, \$250,000
 1 28 shall be used to continue the efforts of the Iowa chronic care
 1 29 consortium pursuant to 2003 Iowa Acts, chapter 112, section
 1 30 12, as amended by 2003 Iowa Acts, chapter 179, sections 166
 1 31 and 167.
 1 32 b. For child and family services and adoption subsidy
 1 33 services including for reimbursement of rehabilitative
 1 34 treatment and support services providers, adoption,
 1 35 independent living, shelter care, and home studies services



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House Study Bill 194 continued

2 1 providers, and other service providers under the purview of
 2 2 the department of human services:
 2 3 \$ 3,761,677
 2 4 c. To continue the supplementation of the children's
 2 5 health insurance program appropriation:
 2 6 \$ 200,000
 2 7 d. To continue supplementation of the state supplementary
 2 8 assistance program including reimbursements for residential
 2 9 care facilities and in-home health services:
 2 10 \$ 182,381
 2 11 e. For general administration of health-related programs:
 2 12 \$ 274,000
 2 13 2. To the Iowa department of public health:
 2 14 a. For the tobacco use prevention and control initiative,
 2 15 including efforts at the state and local levels, as provided
 2 16 in chapter 142A:
 2 17 \$ 5,928,465
 2 18 (1) The director of public health shall dedicate
 2 19 sufficient resources to promote and ensure retailer compliance
 2 20 with tobacco laws and ordinances relating to persons under 18
 2 21 years of age, and shall prioritize the state's compliance in
 2 22 the allocation of available funds to comply with 42 U.S.C. }
 2 23 300x=26 and section 453A.2.
 2 24 (2) Of the full-time equivalent positions funded in this
 2 25 paragraph "a", two full-time equivalent positions shall be
 2 26 utilized to provide for enforcement of tobacco laws,
 2 27 regulations, and ordinances under a chapter 28D agreement
 2 28 entered into between the Iowa department of public health and
 2 29 the alcoholic beverages division of the department of
 2 30 commerce.
 2 31 (3) Of the funds appropriated in this paragraph "a", not
 2 32 more than \$525,759 shall be expended on administration and
 2 33 management of the program.
 2 34 (4) Of the funds appropriated in this paragraph "a", not
 2 35 less than 80 percent of the amount expended in the fiscal year



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House Study Bill 194 continued

3 1 beginning July 1, 2001, for community partnerships shall be
3 2 expended in the fiscal year beginning July 1, 2007, for that
3 3 purpose.

3 4 b. For provision of smoking cessation and smoking-related
3 5 diseases products as provided in this paragraph:
3 6 \$ 75,000

3 7 The department shall award grants to free health clinics
3 8 that are tax-exempt organizations pursuant to 26 U.S.C. } 501
3 9 (c)(3) to fund the provision of smoking cessation and smoking-
3 10 related diseases products to patients. The department shall
3 11 adopt a methodology for the awarding of the grants to the
3 12 health clinics based upon the order of receipt of
3 13 applications.

3 14 c. For additional substance abuse treatment under the
3 15 substance abuse treatment program:
3 16 \$ 13,800,000

3 17 (1) The department shall use funds appropriated in this
3 18 paragraph "c" to enhance the quality of and to expand the
3 19 capacity to provide 24-hour substance abuse treatment
3 20 programs.

3 21 (2) The department shall use funds appropriated in this
3 22 paragraph "c" to expand the length of individual client
3 23 substance abuse treatment plans, as necessary to reduce
3 24 program recidivism.

3 25 (3) The department shall use funds appropriated in this
3 26 paragraph "c" to share research-based best practices for
3 27 treatment with substance abuse treatment facilities.

3 28 (4) The department shall use funds appropriated in this
3 29 paragraph "c" to develop a results-based funding approach for
3 30 substance abuse treatment services.

3 31 (5) The department shall use funds appropriated in this
3 32 paragraph "c" to develop a program to encourage individuals
3 33 who are successfully managing their substance abuse problems
3 34 to serve as role models.

3 35 (6) The department shall submit a report annually by March



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House Study Bill 194 continued

4 1 1, to the governor and the general assembly delineating the
 4 2 success rates of the substance abuse treatment programs that
 4 3 receive funding under this paragraph "c".
 4 4 d. For the healthy Iowans 2010 plan within the Iowa
 4 5 department of public health:
 4 6 \$ 2,509,960
 4 7 (1) Of the funds appropriated in this paragraph "d", not
 4 8 more than \$1,157,482 shall be used for essential public health
 4 9 services that promote healthy aging throughout the lifespan,
 4 10 contracted through a formula for local boards of health, to
 4 11 enhance health promotion and disease prevention services.
 4 12 (2) Of the funds appropriated in this paragraph "d", not
 4 13 more than \$387,320 shall be used for the continuation and
 4 14 support of a coordinated system of delivery of trauma and
 4 15 emergency medical services.
 4 16 (3) Of the funds appropriated in this paragraph "d", not
 4 17 more than \$600,000 shall be used for the state poison control
 4 18 center.
 4 19 (4) Of the funds appropriated in this paragraph "d", not
 4 20 more than \$288,770 shall be used for the development of
 4 21 scientific and medical expertise in environmental
 4 22 epidemiology.
 4 23 (5) Of the funds appropriated in this paragraph "d", not
 4 24 more than \$76,388 shall be used for the childhood lead
 4 25 poisoning prevention program.
 4 26 e. For the automated external defibrillator grant program
 4 27 established pursuant to section 135.26:
 4 28 \$ 350,000
 4 29 f. For the center for congenital and inherited disorders
 4 30 established pursuant to section 136A.3:
 4 31 \$ 26,000
 4 32 g. For a grant program to provide substance abuse
 4 33 prevention programming for children:
 4 34 \$ 1,050,000
 4 35 (1) Of the funds appropriated in this paragraph "g",



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5 1 \$500,000 shall be utilized to provide funding for
 5 2 organizations that provide programming for children by
 5 3 utilizing mentors. Of the amount specified in this
 5 4 subparagraph (1), \$25,000 shall be utilized to provide grants
 5 5 to small community-based organizations that meet the
 5 6 requirements of this subparagraph (1). Programs approved for
 5 7 grants under this subparagraph (1) shall be certified or will
 5 8 be certified within six months of receiving the grant award by
 5 9 the Iowa commission on volunteer services as utilizing the
 5 10 standards for effective practice for mentoring programs.

5 11 (2) Of the funds appropriated in this paragraph "g",
 5 12 \$500,000 shall be utilized to provide funding for
 5 13 organizations that provide programming that includes out-of=
 5 14 school youth development and opportunities for character
 5 15 development, youth development, and leadership. Of the amount
 5 16 specified in this subparagraph (2), \$25,000 shall be utilized
 5 17 to provide grants to small community-based organizations that
 5 18 meet the requirements of this subparagraph (2). The programs
 5 19 shall also be recognized as being programs that are
 5 20 scientifically-based with evidence of their effectiveness in
 5 21 reducing substance abuse in children.

5 22 (3) All grant recipients under this paragraph "g" shall
 5 23 participate in a program evaluation as a requirement for
 5 24 receiving grant funds.

5 25 (4) Of the funds appropriated in this paragraph "g",
 5 26 \$50,000 shall be used to administer substance abuse prevention
 5 27 grants and for program evaluations.

5 28 h. For providing grants to individual patients who have
 5 29 phenylketonuria (PKU) to assist with the costs of necessary
 5 30 special foods:

5 31 \$ 100,000

5 32 i. For additional funding to leverage federal funding
 5 33 through the federal Ryan White Care Act, Title II, AIDS drug
 5 34 assistance program supplemental drug treatment grants:

5 35 \$ 275,000



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House Study Bill 194 continued

6 1 3. To the department of corrections:
6 2 \$ 3,676,474
6 3 a. Of the funds appropriated in this subsection, \$228,216
6 4 is allocated to the first judicial district department of
6 5 correctional services. Of the funds allocated, \$100,000 shall
6 6 be used for community-based corrections, and \$128,216 shall be
6 7 used to replace expired federal funding for dual diagnosis
6 8 offenders.
6 9 b. Of the funds appropriated in this subsection, \$406,217
6 10 is allocated to the second judicial district department of
6 11 correctional services. Of the funds allocated, \$100,000 shall
6 12 be used for community-based corrections and \$306,217 shall be
6 13 used to replace expired federal funding for day programming
6 14 and to replace expired federal funding for the drug court
6 15 program with \$50,000 of this amount being used for substance
6 16 abuse treatment.
6 17 c. Of the funds appropriated in this subsection, \$200,359
6 18 is allocated to the third judicial district department of
6 19 correctional services. Of the funds allocated, \$100,000 shall
6 20 be used for community-based corrections, and \$100,359 shall be
6 21 used to replace expired federal funding for the drug court
6 22 program.
6 23 d. Of the funds appropriated in this subsection, \$291,731
6 24 is allocated to the fourth judicial district department of
6 25 correctional services. Of the funds allocated, \$100,000 shall
6 26 be used for community-based corrections, and \$191,731 shall be
6 27 used for the drug court program.
6 28 e. Of the funds appropriated in this subsection, \$355,693
6 29 is allocated to the fifth judicial district department of
6 30 correctional services. Of the funds allocated, \$100,000 shall
6 31 be used for community-based corrections, and \$255,693 shall be
6 32 used to replace expired federal funding for the drug court
6 33 program.
6 34 f. Of the funds appropriated in this subsection, \$164,741
6 35 is allocated to the sixth judicial district department of



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7 1 correctional services. Of the funds allocated, \$100,000 shall
7 2 be used for community-based corrections, and \$64,741 shall be
7 3 used to replace expired federal funding for dual diagnosis
7 4 offenders.

7 5 g. Of the funds appropriated in this subsection, \$232,232
7 6 is allocated to the seventh judicial district department of
7 7 correctional services. Of the funds allocated, \$100,000 shall
7 8 be used for community-based corrections, and \$132,232 shall be
7 9 used to replace expired federal funding for the drug court
7 10 program.

7 11 h. Of the funds appropriated in this subsection, \$300,000
7 12 is allocated to the eighth judicial district department of
7 13 correctional services. Of the funds allocated, \$100,000 shall
7 14 be used for community-based corrections, and \$200,000 shall be
7 15 used to implement an adult drug court program.

7 16 i. Of the funds appropriated in this subsection,
7 17 \$1,497,285 is allocated to the Fort Madison correctional
7 18 facility for the clinical care unit.

7 19 Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS ==
7 20 REIMBURSEMENT INCREASE. There is appropriated from the
7 21 healthy Iowans tobacco trust created in section 12.65 to the
7 22 property tax relief fund created in section 426B.1 for the
7 23 fiscal year beginning July 1, 2007, and ending June 30, 2008,
7 24 the following amount, or so much thereof as is necessary, to
7 25 be used for the purposes designated:

7 26 For assistance to the counties with limited county mental
7 27 health, mental retardation, and developmental disabilities
7 28 services fund balances which were selected in accordance with
7 29 2000 Iowa Acts, chapter 1221, section 3, to receive such
7 30 assistance in the same amount provided during the fiscal year
7 31 beginning July 1, 2000, and ending June 30, 2001, to pay
7 32 reimbursement increases in accordance with 2000 Iowa Acts,
7 33 chapter 1221, section 3:

7 34 \$ 146,750

7 35 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from



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8 1 the healthy Iowans tobacco trust created in section 12.65, to
 8 2 the Iowa empowerment fund created in section 28.9 for the
 8 3 fiscal year beginning July 1, 2007, and ending June 30, 2008,
 8 4 for deposit in the school ready children grants account:
 8 5 \$ 2,153,250
 8 6 Sec. 4. IOWA COMMISSION ON VOLUNTEER SERVICES. There is
 8 7 appropriated from the healthy Iowans tobacco trust created in
 8 8 section 12.65 to the department of economic development for
 8 9 the fiscal year beginning July 1, 2007, and ending June 30,
 8 10 2008, the following amount, or so much thereof as is
 8 11 necessary, to be used for the purpose designated:
 8 12 For allocation to the Iowa commission on volunteer services
 8 13 for the Iowa's promise and mentoring partnership program:
 8 14 \$ 125,000
 8 15 Sec. 5. DEPARTMENT OF EDUCATION. There is appropriated
 8 16 from the healthy Iowans tobacco trust created in section
 8 17 12.65, to the department of education for the fiscal year
 8 18 beginning July 1, 2007, and ending June 30, 2008, the
 8 19 following amount, or so much thereof as is necessary, to be
 8 20 used for the purpose designated:
 8 21 To continue the competitive grants program to expand the
 8 22 availability of before and after school programs:
 8 23 \$ 150,000
 8 24 School districts and other public and private organizations
 8 25 shall be eligible to apply for a grant from the program.
 8 26 Grant applications shall be assessed by the department based
 8 27 on the targeted student population and whether the application
 8 28 demonstrates partnerships and collaboration with
 8 29 not-for-profit community organizations, if appropriate;
 8 30 indicates that the school district or organization has access
 8 31 to training for the program; provides for a safe and engaging
 8 32 environment; combines academic, enrichment, cultural, and
 8 33 recreational activities; provides for no less than a 20
 8 34 percent match; and demonstrates that the school district or
 8 35 organization is able to sustain the program after the grant is
 9 1 exhausted. The types of activities supported by an applicant
 9 2 may include but are not limited to tutoring and supplementing
 9 3 instruction in basic skills, such as reading, math, and
 9 4 science; drug and violence prevention curricula and
 9 5 counseling; youth leadership activities; volunteer and service
 9 6 learning opportunities; career and vocational awareness
 9 7 preparation; courses and enrichment in arts and culture;
 9 8 computer instruction; character development and civic
 9 9 participation; language instruction, including English as a
 9 10 second language; mentoring; positive interaction with law
 9 11 enforcement; supervised recreation programs; or health and
 9 12 nutrition programs. The department shall make every attempt
 9 13 to leverage additional funding from other public and private
 9 14 sources to support the program provided under this section.
 9 15 Sec. 6. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT == TRANSFER.
 9 16 In addition to the amount transferred pursuant to section
 9 17 12E.12, subsection 1, paragraph "b", subparagraph (2),
 9 18 subparagraph subdivision (b), \$9,100,000 is transferred from
 9 19 the endowment for Iowa's health account of the tobacco
 9 20 settlement trust fund created in section 12E.12 to the healthy
 9 21 Iowans tobacco trust created in section 12.65 for the fiscal



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9 22 year beginning July 1, 2007, and ending June 30, 2008.

9 23 EXPLANATION

9 24 This bill relates to and makes appropriations from the
9 25 healthy Iowans tobacco trust to the following departments for
9 26 fiscal year 2007=2008:

9 27 To the department of human services:

9 28 1. To supplement the medical assistance appropriation
9 29 including reimbursement for all noninstitutional providers
9 30 with the exception of anesthesia and dental providers and for
9 31 continuation of the resource-based relative value system; for
9 32 reimbursement for dental services, hospitals, home health
9 33 agencies, critical access hospitals, the expansion of home
9 34 health care services and habilitative day care services, for
9 35 children with special needs, and expansion of respite care



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10 1 services provided through home and community-based services
10 2 waivers; and for provision of coverage to women who require
10 3 treatment for breast or cervical cancer. A portion of the
10 4 funds are to be used to continue the chronic care consortium.
10 5 2. For child and family services and adoption subsidy
10 6 services including for reimbursement of rehabilitative
10 7 treatment and support services providers, adoption,
10 8 independent living, shelter care, and home studies services
10 9 providers, and other service providers under the purview of
10 10 the department of human services.
10 11 3. For supplementation of the appropriation for the
10 12 children's health insurance program.
10 13 4. For supplementation of the state supplementary
10 14 assistance program.
10 15 5. For general administration of health-related programs.
10 16 To the Iowa department of public health:
10 17 1. For the tobacco use prevention and control program for
10 18 additional substance abuse treatment and for smoking cessation
10 19 and smoking-related disease products.
10 20 2. For development of a healthy Iowans 2010 plan for the
10 21 following purposes: for essential public health services that
10 22 promote healthy aging throughout the lifespan, contracted
10 23 through a formula by local boards of health, to enhance health
10 24 promotion and disease prevention services; for the
10 25 implementation and support of a coordinated system of delivery
10 26 of trauma and emergency medical services; for the poison
10 27 control center; for development of scientific and medical
10 28 expertise in environmental epidemiology; and for the childhood
10 29 lead poisoning prevention program.
10 30 3. For the automated external defibrillator grant program.
10 31 4. For the center for congenital and inherited disorders.
10 32 5. For a grant program to provide substance abuse
10 33 prevention programming for children with specific criteria.
10 34 6. For a grant program for individuals with
10 35 phenylketonuria (PKU).



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11 1 7. For leveraging of federal funds under the federal Ryan
11 2 White Care Act.

11 3 To the department of corrections: for community-based
11 4 corrections, day programming, the drug court program, and for
11 5 the Fort Madison correctional facility for the clinical care
11 6 unit.

11 7 The bill appropriates funds for fiscal year 2007=2008 to
11 8 the property tax relief fund for the fiscal year beginning
11 9 July 1, 2007, and ending June 30, 2008, for assistance to
11 10 counties with limited county mental health, mental
11 11 retardation, and developmental disabilities services fund
11 12 balances to pay reimbursement increases in the same amount as
11 13 provided in the fiscal year beginning July 1, 2000, and ending
11 14 June 30, 2001.

11 15 The bill appropriates funds to the Iowa empowerment fund
11 16 for the fiscal year beginning July 1, 2007, and ending June
11 17 30, 2008, for deposit in the school ready children grants
11 18 account.

11 19 The bill appropriates funds to the department of economic
11 20 development for FY 2007=2008 for allocation to the Iowa
11 21 commission on volunteer services for the Iowa's promise and
11 22 mentoring partnership program.

11 23 The bill appropriates funds to the department of education
11 24 to continue the competitive grants program to expand the
11 25 availability of before and after school programs.

11 26 The bill provides for the transfer of additional funds from
11 27 the endowment for Iowa's health account to the healthy Iowans
11 28 tobacco trust for the fiscal year beginning July 1, 2007, and
11 29 ending June 30, 2008.

11 30 LSB 1124XG 82
11 31 pf:mg/gg/14.1



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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 1584HC 82
 10 lh/je/5



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PAG LIN

1 1 Section 1. Section 2C.11, Code 2007, is amended to read as
1 2 follows:

1 3 2C.11 SUBJECTS FOR INVESTIGATIONS.

1 4 1. An appropriate subject for investigation by the office
1 5 of the citizens' aide is an administrative action that might
1 6 be:

1 7 ~~1.~~ a. Contrary to law or regulation.

1 8 ~~2.~~ b. Unreasonable, unfair, oppressive, or inconsistent
1 9 with the general course of an agency's functioning, even
1 10 though in accordance with law.

1 11 ~~3.~~ c. Based on a mistake of law or arbitrary in
1 12 ascertainties of fact.

1 13 ~~4.~~ d. Based on improper motivation or irrelevant
1 14 consideration.

1 15 ~~5.~~ e. Unaccompanied by an adequate statement of reasons.

1 16 2. The citizens' aide may also be concerned with
1 17 strengthening procedures and practices which lessen the risk
1 18 that objectionable administrative actions will occur.

1 19 Sec. 2. Section 8F.3, subsection 1, paragraph d, Code
1 20 2007, is amended to read as follows:

1 21 d. Information regarding any policies adopted by the
1 22 governing body of the recipient entity that prohibit taking
1 23 adverse employment action against employees of the recipient
1 24 entity who disclose information about a service contract to
1 25 the oversight agency, the auditor of state, the office of the
1 26 attorney general, or the office of citizens' aide and that

1 27 state whether those policies are substantially similar to the
1 28 protection provided to state employees under section 70A.28.

1 29 The information provided shall state whether employees of the
1 30 recipient entity are informed on a regular basis of their
1 31 rights to disclose information to the oversight agency, the
1 32 office of citizens' aide, the auditor of state, or the office
1 33 of the attorney general and the telephone numbers of those
1 34 organizations.

1 35 Sec. 3. Section 10B.7, unnumbered paragraph 1, Code 2007,



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2 1 is amended to read as follows:

2 2 Lessees of agricultural land under section 9H.4, subsection
2 3 2, paragraph "c", for research or experimental purposes, shall
2 4 file a biennial report with the secretary of state on or
2 5 before March 31 of each odd-numbered year on forms adopted
2 6 pursuant to chapter 17A and supplied by the secretary of
2 7 state. However, a lessee required to file a biennial report
2 8 pursuant to chapter 490, 490A, 496C, 497, 498, 499, 501, 501A,
2 9 or 504 shall file the report required by this section in the
2 10 same year as required by that chapter. The lessee may file
2 11 the report required by this section together with the biennial
2 12 report required to be filed by one of the other chapters
2 13 referred to in this paragraph. The report shall contain the
2 14 following information for the reporting period:

2 15 Sec. 4. Section 11.2, subsection 1, unnumbered paragraph
2 16 2, Code 2007, is amended to read as follows:

2 17 Provided, that the accounts, records, and documents of the
2 18 ~~treasury department~~ treasurer of state shall be audited daily.

2 19 Sec. 5. Section 15.108, subsection 5, unnumbered paragraph
2 20 2, Code 2007, is amended to read as follows:

2 21 p. ~~The department may establish~~ Establish, if the
2 22 department deems necessary, a revolving fund to receive

2 23 contributions and funds from the product sales center to be
2 24 used for start-up or expansion of tourism special events,
2 25 fairs, and festivals as established by department rule.

2 26 Sec. 6. Section 15E.192, subsection 3, Code 2007, is
2 27 amended to read as follows:

2 28 3. A city may create an economic development enterprise
2 29 zone as authorized in this division, subject to certification
2 30 by the department of economic development, by designating up
2 31 to four square miles of the city for that purpose. In order
2 32 for an enterprise zone to be certified pursuant to this
2 33 subsection, an enterprise zone shall meet the distress
2 34 criteria provided in section 15E.194, subsection 3. Section
2 35 15E.194, subsection 2, shall not apply to an enterprise zone



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3 1 certified pursuant to this subsection. For the fiscal period
3 2 beginning July 1, 2007, and ending June 30, 2010, each fiscal
3 3 year a cumulative total of not more than twenty-five million
3 4 dollars worth of incentives and assistance under section
3 5 15E.196, subsections 1, 2, 3, 4, and 6, shall be awarded to
3 6 eligible businesses ~~applying~~ that apply to an enterprise zone
3 7 commission for incentives and assistance during that fiscal
3 8 year and that are located in an enterprise zone certified
3 9 pursuant to this subsection. For purposes of this subsection
3 10 and section 15E.194, subsection 3, "city" means a city that
3 11 includes at least three census tracts, as determined in the
3 12 most recent federal census.

3 13 Sec. 7. Section 15E.193, subsection 1, paragraph f, Code
3 14 2007, is amended to read as follows:

3 15 f. If the business is only partially located in an
3 16 enterprise zone, the business must be located on contiguous
3 17 parcels of land.

3 18 Sec. 8. Section 15E.197, Code 2007, is amended to read as
3 19 follows:

3 20 15E.197 NEW JOBS CREDIT FROM WITHHOLDING.

3 21 An eligible business may enter into an agreement with the
3 22 department of revenue and a community college for a
3 23 supplemental new jobs credit from withholding from jobs
3 24 created under the program. The agreement shall be for program
3 25 services for an additional job training project, as defined in
3 26 chapter 260E.

3 27 PARAGRAPH DIVIDED. 1. The agreement shall provide for the
3 28 following:

3 29 ~~1.~~ a. That the project shall be administered in the same
3 30 manner as a project under chapter 260E and that a supplemental
3 31 new jobs credit from withholding in an amount equal to one and
3 32 one-half percent of the gross wages paid by the eligible
3 33 business pursuant to section 422.16 is authorized to fund the
3 34 program services for the additional project.

3 35 ~~2.~~ b. That the supplemental new jobs credit from



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4 1 withholding shall be collected, accounted for, and may be
4 2 pledged by the community college in the same manner as
4 3 described in section 260E.5.

4 4 ~~3.~~ 2. ~~That the~~ The auditor of state shall perform an
4 5 annual audit regarding how the training funds are being used.

4 6 3. To provide funds for the payment of the costs of the
4 7 additional project, a community college may borrow money,
4 8 issue and sell certificates, and secure the payment of the
4 9 certificates in the same manner as described in section
4 10 260E.6, including but not limited to providing the assessment
4 11 of an annual levy as described in section 260E.6, subsection
4 12 4. The program and credit authorized by this section is in
4 13 addition to, and not in lieu of, the program and credit
4 14 authorized in chapter 260E.

4 15 4. For purposes of this section, "eligible business" means
4 16 a business which has been approved to receive incentives and
4 17 assistance by the department of economic development pursuant
4 18 to application as provided in section 15E.195.

4 19 Sec. 9. Section 15G.203, subsections 1 and 3, Code 2007,
4 20 are amended to read as follows:

4 21 1. The purpose of the program is to improve ~~a~~ retail motor
4 22 fuel ~~site~~ sites by installing, replacing, or converting motor
4 23 fuel storage and dispensing infrastructure. The
4 24 infrastructure must be designed and shall be used exclusively
4 25 to store and dispense renewable fuel which is E=85 gasoline,
4 26 biodiesel, or biodiesel blended fuel on the premises of retail
4 27 motor fuel sites operated by retail dealers.

4 28 3. To ~~all the extent~~ practical practicable, the program
4 29 shall be administered in conjunction with the programs
4 30 provided in section 15.401.

4 31 Sec. 10. Section 15G.204, subsection 2, Code 2007, is
4 32 amended to read as follows:

4 33 2. To ~~all the extent~~ practical practicable, the program
4 34 shall be administered in conjunction with the programs
4 35 provided in section 15.401.



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5 1 Sec. 11. Section 22.7, subsection 52, Code 2007, is
5 2 amended to read as follows:
5 3 52. a. The following records relating to a charitable
5 4 donation made to a foundation acting solely for the support of
5 5 an institution governed by the state board of regents, to a
5 6 foundation acting solely for the support of an institution
5 7 governed by chapter 260C, to a private foundation as defined
5 8 in section 509 of the Internal Revenue Code organized for the
5 9 support of a government body, or to an endow Iowa qualified
5 10 community foundation, as defined in section 15E.303, organized
5 11 for the support of a government body:
5 12 ~~a.~~ (1) Portions of records that disclose a donor's or
5 13 prospective donor's personal, financial, estate planning, or
5 14 gift planning matters.
5 15 ~~b.~~ (2) Records received from a donor or prospective donor
5 16 regarding such donor's prospective gift or pledge.
5 17 ~~c.~~ (3) Records containing information about a donor or a
5 18 prospective donor in regard to the appropriateness of the
5 19 solicitation and dollar amount of the gift or pledge.
5 20 ~~d.~~ (4) Portions of records that identify a prospective
5 21 donor and that provide information on the appropriateness of
5 22 the solicitation, the form of the gift or dollar amount
5 23 requested by the solicitor, and the name of the solicitor.
5 24 ~~e.~~ (5) Portions of records disclosing the identity of a
5 25 donor or prospective donor, including the specific form of
5 26 gift or pledge that could identify a donor or prospective
5 27 donor, directly or indirectly, when such donor has requested
5 28 anonymity in connection with the gift or pledge. This
5 29 ~~paragraph subparagraph~~ does not apply to a gift or pledge from
5 30 a publicly held business corporation.
5 31 ~~f.~~ b. The confidential records described in ~~paragraphs~~
~~5 32 "a" through "e"~~ paragraph "a", subparagraphs (1) through (5),
5 33 shall not be construed to make confidential those portions of
5 34 records disclosing any of the following:
5 35 (1) The amount and date of the donation.



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6 1 (2) Any donor=designated use or purpose of the donation.
6 2 (3) Any other donor=imposed restrictions on the use of the
6 3 donation.
6 4 (4) When a pledge or donation is made expressly
6 5 conditioned on receipt by the donor, or any person related to
6 6 the donor by blood or marriage within the third degree of
6 7 consanguinity, of any privilege, benefit, employment, program
6 8 admission, or other special consideration from the government
6 9 body, a description of any and all such consideration offered
6 10 or given in exchange for the pledge or donation.
6 11 ~~g.~~ c. Except as provided in ~~paragraphs "a" through "f"~~
6 12 paragraphs "a" and "b", portions of records relating to the
6 13 receipt, holding, and disbursement of gifts made for the
6 14 benefit of regents institutions and made through foundations
6 15 established for support of regents institutions, including but
6 16 not limited to written fund=raising policies and documents
6 17 evidencing fund=raising practices, shall be subject to this
6 18 chapter.
6 19 d. This subsection does not apply to a report filed with
6 20 the ethics and campaign disclosure board pursuant to section
6 21 8.7.
6 22 Sec. 12. Section 29A.28, subsection 1, Code 2007, is
6 23 amended to read as follows:
6 24 1. All officers and employees of the state, ~~or~~ a
6 25 subdivision thereof, or a municipality, other than employees
6 26 employed temporarily for six months or less, who are members
6 27 of the national guard, organized reserves or any component
6 28 part of the military, naval, or air forces or nurse corps of
6 29 this state or nation, or who are or may be otherwise inducted
6 30 into the military service of this state or of the United
6 31 States, or who are members of the civil air patrol, shall,
6 32 when ordered by proper authority to state active duty, state
6 33 military service, or federal service, or when performing a
6 34 civil air patrol mission pursuant to section 29A.3A, be
6 35 entitled to a leave of absence from such civil employment for



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7 1 the period of state active duty, state military service,
7 2 federal service, or civil air patrol duty without loss of
7 3 status or efficiency rating, and without loss of pay during
7 4 the first thirty days of such leave of absence. Where state
7 5 active duty, state military service, federal service, or civil
7 6 air patrol duty is for a period of less than thirty days, a
7 7 leave of absence under this section shall only be required for
7 8 those days that the civil employee would normally perform
7 9 services for the state, subdivision of the state, or a
7 10 municipality.

7 11 Sec. 13. Section 29A.57, subsection 2, Code 2007, is
7 12 amended to read as follows:

7 13 2. The board may acquire land or real estate by purchase,
7 14 contract for purchase, gift, or bequest and acquire, own,
7 15 contract for the construction of, erect, purchase, maintain,
7 16 alter, operate, and repair installations and facilities of the
7 17 Iowa army national guard and the Iowa air national guard when
7 18 funds for the installations and facilities are made available
7 19 by the federal government, the state of Iowa, municipalities,
7 20 corporations or individuals. The title to the property so
7 21 acquired shall be taken in the name of the state of Iowa and
7 22 the real estate may be sold or exchanged by the executive
7 23 council, upon recommendation of the board, when it is no
7 24 longer needed for the purpose for which it was acquired.
7 25 Income or revenue derived from the sale of the real estate
7 26 shall be credited to the national guard facilities improvement
7 27 fund and used for the purposes specified in section 29A.14,
7 28 subsection 2.

7 29 Sec. 14. Section 35A.10, subsection 2, Code 2007, is
7 30 amended to read as follows:

7 31 2. The commandant and the commission shall have plans and
7 32 specifications prepared by the department of administrative
7 33 services for authorized construction, repair, or improvement
7 34 projects in excess of the competitive bid threshold in section
7 35 26.3, or as established in section 314.1B. An appropriation



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8 1 for a project shall not be expended until the department of
8 2 administrative services has adopted plans and specifications
8 3 and has completed a detailed estimate of the cost of the
8 4 project, prepared under the supervision of a registered
8 5 architect or ~~registered~~ licensed professional engineer.

8 6 Sec. 15. Section 68B.32A, subsection 4, Code 2007, is
8 7 amended to read as follows:

8 8 4. Receive and file registration and ~~reporting reports~~
8 9 from lobbyists of the executive branch of state government,
8 10 client disclosure from clients of lobbyists of the executive
8 11 branch of state government, personal financial disclosure
8 12 information from officials and employees in the executive
8 13 branch of state government who are required to file personal
8 14 financial disclosure information under this chapter, and gift,
8 15 bequest, and grant disclosure information ~~from an agency~~
8 16 pursuant to section 8.7. The board, upon its own motion, may
8 17 initiate action and conduct a hearing relating to reporting
8 18 requirements under this chapter or section 8.7.

8 19 Sec. 16. Section 68B.32B, subsection 1, Code 2007, is
8 20 amended to read as follows:

8 21 1. Any person may file a complaint alleging that a
8 22 candidate, committee, person holding a state office in the
8 23 executive branch of state government, employee of the
8 24 executive branch of state government, or other person has
8 25 committed a violation of chapter 68A or rules adopted by the
8 26 board. Any person may file a complaint alleging that a person
8 27 holding a state office in the executive branch of state
8 28 government, an employee of the executive branch of state
8 29 government, or a lobbyist or a client of a lobbyist of the
8 30 executive branch of state government has committed a violation
8 31 of this chapter or rules adopted by the board. Any person may
8 32 file a complaint alleging ~~that an agency has committed a~~
8 33 violation of section 8.7 or rules adopted by the board. The
8 34 board shall prescribe and provide forms for purposes of this
8 35 subsection. A complaint must include the name and address of
9 1 the complainant, a statement of the facts believed to be true
9 2 that form the basis of the complaint, including the sources of
9 3 information and approximate dates of the acts alleged, and a
9 4 certification by the complainant under penalty of perjury that
9 5 the facts stated to be true are true to the best of the
9 6 complainant's knowledge.

9 7 Sec. 17. Section 68B.32C, subsection 3, Code 2007, is
9 8 amended to read as follows:

9 9 3. Upon a finding by the board that the party charged has
9 10 violated this chapter, chapter 68A, section 8.7, or rules
9 11 adopted by the board, the board may impose any penalty
9 12 provided for by section 68B.32D. Upon a final decision of the
9 13 board finding that the party charged has not violated this
9 14 chapter, chapter 68A, section 8.7, or the rules of the board,
9 15 the complaint shall be dismissed and the party charged and the
9 16 original complainant, if any, shall be notified.

9 17 Sec. 18. Section 70A.28, subsection 6, Code 2007, is
9 18 amended to read as follows:

9 19 6. Subsection 2 may also be enforced by an employee
9 20 through an administrative action pursuant to the requirements
9 21 of this subsection if the employee is not a merit system



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9 22 employee or an employee covered by a collective bargaining
9 23 agreement. An employee eligible to pursue an administrative
9 24 action pursuant to this subsection who is discharged,
9 25 suspended, demoted, or otherwise ~~reduced~~ receives a reduction
9 26 in pay and who believes the adverse employment action was
9 27 taken as a result of the employee's disclosure of information
9 28 that was authorized pursuant to subsection 2, may file an
9 29 appeal of the adverse employment action with the public
9 30 employment relations board within thirty calendar days
9 31 following the later of the effective date of the action or the
9 32 date a finding is issued to the employee by the office of the
9 33 citizens' aide pursuant to section 2C.11A. The findings
9 34 issued by the citizens' aide may be introduced as evidence
9 35 before the public employment relations board. The employee



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10 1 has the right to a hearing closed to the public, but may
10 2 request a public hearing. The hearing shall otherwise be
10 3 conducted in accordance with the rules of the public
10 4 employment relations board and the Iowa administrative
10 5 procedure Act, chapter 17A. If the public employment
10 6 relations board finds that the action taken ~~by the person~~
~~10 7 appointing~~ in regard to the employee was in violation of
10 8 subsection 2, the employee may be reinstated without loss of
10 9 pay or benefits for the elapsed period, or the public
10 10 employment relations board may provide other appropriate
10 11 remedies. Decisions by the public employment relations board
10 12 constitute final agency action.

10 13 Sec. 19. Section 80.34, Code 2007, is amended to read as
10 14 follows:

10 15 80.34 PEACE OFFICER == AUTHORITY.

10 16 An authorized peace officer of the department designated to
10 17 conduct examinations, investigations, or inspections and
10 18 enforce the laws relating to controlled or counterfeit
10 19 substances shall have all the authority of other peace
10 20 officers and may arrest a person without warrant for offenses
10 21 under this chapter committed in the peace officer's presence
10 22 or, in the case of a felony, if the peace officer has probable
10 23 cause to believe that the person arrested has committed or is
10 24 committing such offense. A peace officer of the department
10 25 shall have the same authority as other peace officers to seize
10 26 controlled or counterfeit substances or articles used in the
10 27 manufacture or sale of controlled or counterfeit substances
10 28 which they have reasonable grounds to believe are in violation
10 29 of law. Such controlled or counterfeit substances or articles
10 30 shall be subject to ~~condemnation~~ forfeiture.

10 31 Sec. 20. Section 100C.10, subsection 2, paragraph d, Code
10 32 2007, is amended to read as follows:

10 33 d. One professional engineer or architect licensed or
10 34 registered in the state.

10 35 Sec. 21. Section 103A.19, Code 2007, is amended to read as



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11 1 follows:

11 2 103A.19 ADMINISTRATION AND ENFORCEMENT.

11 3 1. The examination and approval or disapproval of plans
11 4 and specifications, the issuance and revocation of building
11 5 permits, licenses, certificates, and similar documents, the
11 6 inspection of buildings or structures, and the administration
11 7 and enforcement of building regulations shall be the
11 8 responsibility of the governmental subdivisions of the state
11 9 and shall be administered and enforced in the manner
11 10 prescribed by local law or ordinance. All provisions of law
11 11 relating to the administration and enforcement of local
11 12 building regulations in any governmental subdivision shall be
11 13 applicable to the administration and enforcement of the state
11 14 building code in the governmental subdivision. An application
11 15 made to a local building department or to a state agency for
11 16 permission to construct a building or structure pursuant to
11 17 the provisions of the state building code shall, in addition
11 18 to any other requirement, be signed by the owner or the
11 19 owner's authorized agent, and shall contain the address of the
11 20 owner, and a statement that the application is made for
11 21 permission to construct in accordance with the provisions of
11 22 the code.

11 23 2. In aid of administration and enforcement of the state
11 24 building code, and in addition to and not in limitation of
11 25 powers vested in them by law, each governmental subdivision of
11 26 the state may:

11 27 ~~1-~~ a. Examine and approve or disapprove plans and
11 28 specifications for the construction of any building or
11 29 structure, the construction of which is pursuant or purports
11 30 to be pursuant to the provisions of the state building code,
11 31 and to direct the inspection of buildings or structures during
11 32 the course of construction.

11 33 ~~2-~~ b. Require that the construction of any building or
11 34 structure shall be in accordance with the applicable
11 35 provisions of the state building code, subject, however, to



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12 1 the powers granted to the board of review in section 103A.16.
12 2 ~~3.~~ c. Order in writing any person to remedy any condition
12 3 found to exist in, or about any building or structure in
12 4 violation of the state building code. Orders may be served
12 5 upon the owner or the owner's authorized agent personally or
12 6 by certified mail at the address set forth in the application
12 7 for permission to construct a building or structure. Any
12 8 local building department may grant in writing such time as
12 9 may be reasonably necessary for achieving compliance with an
12 10 order.
12 11 ~~4.~~ d. Issue certificates of occupancy or use, permits,
12 12 licenses, and other documents in connection with the
12 13 construction of buildings or structures as may be required by
12 14 ordinance.
12 15 A certificate of occupancy or use for a building or
12 16 structure constructed in accordance with the provisions of the
12 17 state building code shall certify that the building or
12 18 structure conforms to the requirements of the code. The
12 19 certificate shall be in the form the governing body of the
12 20 governmental subdivision prescribes.
12 21 Every certificate of occupancy or use shall, until set
12 22 aside or vacated by the board of review, director, or a court
12 23 of competent jurisdiction, be binding and conclusive upon all
12 24 state and local agencies, as to all matters set forth and no
12 25 order, direction, or requirement at variance therewith shall
12 26 be made or issued by any other state or local agency.
12 27 ~~5.~~ e. Make, amend, and repeal rules for the
12 28 administration and enforcement of the provisions of this
12 29 section, and for the collection of reasonable fees in
12 30 connection therewith.
12 31 ~~6.~~ f. Prohibit the commencement of construction until a
12 32 permit has been issued by the local building department after
12 33 a showing of compliance with the requirements of the
12 34 applicable provisions of the state building code.
12 35 3. The specifications for all buildings to be constructed



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13 1 after July 1, 1977, and which exceed a total volume of one
13 2 hundred thousand cubic feet of enclosed space that is heated
13 3 or cooled shall be reviewed by a registered architect or
13 4 ~~registered~~ licensed engineer for compliance with applicable
13 5 energy efficiency standards. A statement that a review has
13 6 been accomplished and that the design is in compliance with
13 7 the energy efficiency standards shall be signed and sealed by
13 8 the responsible registered architect or ~~registered~~ licensed
13 9 engineer. This statement shall be filed with the commissioner
13 10 prior to construction. If the specifications relating to
13 11 energy efficiency for a specific structure have been approved,
13 12 additional buildings may be constructed from those same plans
13 13 and specifications without need of further approval if
13 14 construction begins within five years of the date of approval.
13 15 Alterations of a structure which has been previously approved
13 16 shall not require a review because of these changes, provided
13 17 the basic structure remains unchanged.

13 18 Sec. 22. Section 103A.21, subsection 1, Code 2007, is
13 19 amended to read as follows:

13 20 1. Any person served with an order pursuant to the
13 21 provisions of section 103A.19, subsection ~~3~~ 2, paragraph "c",
13 22 who fails to comply with the order within thirty days after
13 23 service or within the time fixed by the local building
13 24 department for compliance, whichever is longer, and any owner,
13 25 builder, architect, tenant, contractor, subcontractor,
13 26 construction superintendent or their agents, or any other
13 27 person taking part or assisting in the construction or use of
13 28 any building or structure who shall knowingly violate any of
13 29 the applicable provisions of the state building code or any
13 30 lawful order of a local building department made thereunder,
13 31 shall be guilty of a simple misdemeanor.

13 32 Sec. 23. Section 123.53, subsection 3, Code 2007, is
13 33 amended to read as follows:

13 34 3. The treasurer of state shall transfer into a special
13 35 revenue account in the general fund of the state, a sum of



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14 1 money at least equal to seven percent of the gross amount of
14 2 sales made by the division from the beer and liquor control
14 3 fund on a monthly basis but not less than nine million dollars
14 4 annually. Of the amounts transferred, two million dollars,
14 5 plus an additional amount determined by the general assembly,
14 6 shall be appropriated to the Iowa department of public health
14 7 for use by the staff who administer the comprehensive
14 8 substance abuse program under chapter 125 ~~to be used~~ for
14 9 substance abuse treatment and prevention programs. Any
14 10 amounts received in excess of the amounts appropriated to the
14 11 Iowa department of public health for use by the staff who
14 12 administer the comprehensive substance abuse program under
14 13 chapter 125 shall be considered part of the general fund
14 14 balance.

14 15 Sec. 24. Section 124.401, subsection 1, paragraph b,
14 16 subparagraph (2), subparagraph subdivisions (a), (b), and (c),
14 17 Code 2007, are amended to read as follows:

14 18 (a) Coca leaves, except coca leaves and extracts of coca
14 19 leaves from which cocaine, ecgonine, and derivatives of
14 20 ecgonine ~~or~~ and their salts have been removed.

14 21 (b) Cocaine, its salts, optical and geometric isomers, ~~and~~
14 22 or salts of isomers.

14 23 (c) Ecgonine, its derivatives, their salts, isomers, ~~and~~
14 24 or salts of isomers.

14 25 Sec. 25. Section 124.552, subsection 1, paragraphs c and
14 26 d, Code 2007, are amended to read as follows:

14 27 c. ~~Prescriber~~ Prescribing practitioner identification.

14 28 d. The date the prescription was issued by the ~~prescriber~~
14 29 prescribing practitioner.

14 30 Sec. 26. Section 124.552, subsection 4, Code 2007, is
14 31 amended to read as follows:

14 32 4. This section shall not apply to a ~~prescriber~~
14 33 prescribing practitioner furnishing, dispensing, supplying, or
14 34 administering drugs to the ~~prescriber's~~ prescribing
14 35 practitioner's patient, or to dispensing by a licensed



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15 1 pharmacy for the purposes of inpatient hospital care,
15 2 inpatient hospice care, or long-term residential facility
15 3 patient care.

15 4 Sec. 27. Section 124.553, subsection 1, paragraph a, Code
15 5 2007, is amended to read as follows:

15 6 a. (1) A pharmacist or ~~prescriber~~ prescribing
15 7 practitioner who requests the information and certifies in a
15 8 form specified by the board that it is for the purpose of
15 9 providing medical or pharmaceutical care to a patient of the
15 10 pharmacist or ~~prescriber~~ prescribing practitioner. Neither a
15 11 pharmacist nor a ~~prescriber~~ prescribing practitioner may
15 12 delegate program information access to another individual.

15 13 (2) Notwithstanding subparagraph (1), a ~~prescriber~~
15 14 prescribing practitioner may delegate program information
15 15 access to another licensed health care professional only in
15 16 emergency situations where the patient would be placed in
15 17 greater jeopardy if the ~~prescriber~~ prescribing practitioner
15 18 was required to access the information personally.

15 19 Sec. 28. Section 124.553, subsections 6 and 7, Code 2007,
15 20 are amended to read as follows:

15 21 6. Nothing in this section shall require a pharmacist or
15 22 ~~prescriber~~ prescribing practitioner to obtain information
15 23 about a patient from the program. A pharmacist or ~~prescriber~~
15 24 prescribing practitioner does not have a duty and shall not be
15 25 held liable in damages to any person in any civil or
15 26 derivative criminal or administrative action for injury,
15 27 death, or loss to person or property on the basis that the
15 28 pharmacist or ~~prescriber~~ prescribing practitioner did or did
15 29 not seek or obtain or use information from the program. A
15 30 pharmacist or ~~prescriber~~ prescribing practitioner acting
15 31 reasonably and in good faith is immune from any civil,
15 32 criminal, or administrative liability that might otherwise be
15 33 incurred or imposed for requesting or receiving or using
15 34 information from the program.

15 35 7. The board shall not charge a fee to a pharmacy,



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16 1 pharmacist, or ~~prescriber~~ prescribing practitioner for the
16 2 establishment, maintenance, or administration of the program,
16 3 including costs for forms required to submit information to or
16 4 access information from the program, except that the board may
16 5 charge a fee to an individual who requests the individual's
16 6 own program information. A fee charged pursuant to this
16 7 subsection shall not exceed the actual cost of providing the
16 8 requested information and shall be considered a repayment
16 9 receipt as defined in section 8.2.

16 10 Sec. 29. Section 124.554, subsection 1, paragraphs g and
16 11 h, Code 2007, are amended to read as follows:

16 12 g. Including all schedule II controlled substances and
16 13 those substances in schedules III and IV that the advisory
16 14 council and board determine can be addictive or fatal if not
16 15 taken under the proper care and direction of a ~~prescriber~~
16 16 prescribing practitioner.

16 17 h. Access by a pharmacist or ~~prescriber~~ prescribing
16 18 practitioner to information in the program pursuant to a
16 19 written agreement with the board and advisory council.

16 20 Sec. 30. Section 124.554, subsection 2, paragraphs b and
16 21 c, Code 2007, are amended to read as follows:

16 22 b. Information from pharmacies, ~~prescribers~~ prescribing
16 23 practitioners, the board, the advisory council, and others
16 24 regarding the benefits or detriments of the program.

16 25 c. Information from pharmacies, ~~prescribers~~ prescribing
16 26 practitioners, the board, the advisory council, and others
16 27 regarding the board's effectiveness in providing information
16 28 from the program.

16 29 Sec. 31. Section 124.555, subsection 1, Code 2007, is
16 30 amended to read as follows:

16 31 1. The council shall consist of eight members appointed by
16 32 the governor. The members shall include three licensed
16 33 pharmacists, four physicians licensed under chapter 148, 150,
16 34 or 150A, and one licensed ~~prescriber~~ prescribing practitioner
16 35 who is not a physician. The governor shall solicit



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17 1 recommendations for council members from Iowa health
17 2 professional licensing boards, associations, and societies.
17 3 The license of each member appointed to and serving on the
17 4 advisory council shall be current and in good standing with
17 5 the professional's licensing board.
17 6 Sec. 32. Section 124.555, subsection 3, paragraphs a and
17 7 d, Code 2007, are amended to read as follows:
17 8 a. Ensuring the confidentiality of the patient, ~~prescriber~~
17 9 prescribing practitioner, and dispensing pharmacist and
17 10 pharmacy.
17 11 d. Making recommendations regarding the continued benefits
17 12 of maintaining the program in relationship to cost and other
17 13 burdens to the patient, ~~prescriber~~ prescribing practitioner,
17 14 pharmacist, and the board. The council's recommendations
17 15 shall be included in reports required by section 124.554,
17 16 subsection 2.
17 17 Sec. 33. Section 124.556, Code 2007, is amended to read as
17 18 follows:
17 19 124.556 EDUCATION AND TREATMENT.
17 20 The program for drug prescribing and dispensing shall
17 21 include education initiatives and outreach to consumers,
17 22 ~~prescribers~~ prescribing practitioners, and pharmacists, and
17 23 shall also include assistance for identifying substance abuse
17 24 treatment programs and providers. The board and advisory
17 25 council shall adopt rules, as provided under section 124.554,
17 26 to implement this section.
17 27 Sec. 34. Section 124.558, Code 2007, is amended to read as
17 28 follows:
17 29 124.558 PROHIBITED ACTS == PENALTIES.
17 30 1. FAILURE TO COMPLY WITH REQUIREMENTS. A pharmacist,
17 31 pharmacy, or ~~prescriber~~ prescribing practitioner who knowingly
17 32 fails to comply with the confidentiality requirements of this
17 33 division or who delegates program information access to
17 34 another individual is subject to disciplinary action by the
17 35 appropriate professional licensing board. A pharmacist or



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18 1 pharmacy that knowingly fails to comply with other
18 2 requirements of this division is subject to disciplinary
18 3 action by the board. Each licensing board may adopt rules in
18 4 accordance with chapter 17A to implement the provisions of
18 5 this section.

18 6 2. UNLAWFUL ACCESS, DISCLOSURE, OR USE OF INFORMATION. A
18 7 person who intentionally or knowingly accesses, uses, or
18 8 discloses program information in violation of this division,
18 9 unless otherwise authorized by law, is guilty of a class "D"
18 10 felony. This section shall not preclude a pharmacist or
18 11 ~~prescriber~~ prescribing practitioner who requests and receives
18 12 information from the program consistent with the requirements
18 13 of this chapter from otherwise lawfully providing that
18 14 information to any other person for medical or pharmaceutical
18 15 care purposes.

18 16 Sec. 35. Section 135.22B, subsections 6 and 7, Code 2007,
18 17 are amended to read as follows:

18 18 6. COST=SHARE COMPONENT ELIGIBILITY. An individual must
18 19 meet all of the following requirements in order to be eligible
18 20 for the cost=share component of the brain injury services
18 21 program:

18 22 a. The individual is age one month through sixty=four
18 23 years.

18 24 b. The individual has a diagnosed brain injury as defined
18 25 in section 135.22.

18 26 c. The individual is a resident of this state and either a
18 27 United States citizen or a qualified alien as defined in 8
18 28 U.S.C. } 1641.

18 29 d. ~~The cost=share component's financial eligibility~~
~~18 30 requirements shall be established in administrative rule. In~~
~~18 31 establishing the requirements, the department shall consider~~
~~18 32 the eligibility and cost=share requirements used for the~~
~~18 33 hawk-i program under chapter 514I. The individual must meet~~
18 34 meets the cost=share component's financial eligibility
18 35 requirements and ~~be~~ is willing to pay a cost=share for the
19 1 cost=share component.

19 2 e. The individual does not receive services or funding
19 3 under any type of medical assistance home and community=based
19 4 services waiver.

19 5 7. COST=SHARE REQUIREMENTS.

19 6 a. The cost=share component's financial eligibility
19 7 requirements shall be established in administrative rule. In
19 8 establishing the requirements, the department shall consider
19 9 the eligibility and cost=share requirements used for the
19 10 hawk-i program under chapter 514I.

19 11 ~~a.~~ b. An individual's cost=share responsibility for
19 12 services under the cost=share component shall be determined on
19 13 a sliding scale based upon the individual's family income. An
19 14 individual's cost=share shall be assessed as a copayment,
19 15 which shall not exceed thirty percent of the cost payable for
19 16 the service.

19 17 ~~b.~~ c. The service provider shall bill the department for
19 18 the portion of the cost payable for the service that is not
19 19 covered by the individual's copayment responsibility.

19 20 Sec. 36. Section 149.3, subsection 4, Code 2007, is
19 21 amended to read as follows:



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19 22 4. Have successfully completed a residency as determined
19 23 by the board by rule. This subsection applies to all
19 24 applicants who graduate from ~~podiatric college~~ a school of
19 25 podiatry on or after January 1, 1995.

19 26 Sec. 37. Section 151.12, Code 2007, is amended to read as
19 27 follows:

19 28 151.12 TEMPORARY CERTIFICATE.

19 29 The chiropractic examiners may, in their discretion, issue
19 30 a temporary certificate authorizing the ~~licensee~~ certificate
19 31 holder to practice chiropractic if, in the opinion of the
19 32 chiropractic examiners, a need exists and the person possesses
19 33 the qualifications prescribed by the chiropractic examiners
19 34 for the ~~license~~ certificate, which shall be substantially
19 35 equivalent to those required for licensure under this chapter.



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20 1 The chiropractic examiners shall determine in each instance
20 2 those eligible for this license certificate, whether or not
20 3 examinations shall be given, the type of examinations, and the
20 4 duration of the license certificate. No requirements of the
20 5 law pertaining to regular permanent licensure are mandatory
20 6 for this temporary license certificate except as specifically
20 7 designated by the chiropractic examiners. The granting of a
20 8 temporary license certificate does not in any way indicate
20 9 that the person ~~so licensed~~ is eligible for regular licensure,
20 10 nor are the chiropractic examiners in any way obligated to ~~se~~
~~20 11 license~~ issue the person a regular license.

20 12 The temporary certificate shall be issued for one year and
20 13 at the discretion of the chiropractic examiners may be
20 14 renewed, but a person shall not practice chiropractic in
20 15 excess of three years while holding a temporary certificate.
20 16 The fee for this license certificate shall be set by the
20 17 chiropractic examiners, and if extended beyond one year, a
20 18 renewal fee per year shall be set by the chiropractic
20 19 examiners. The fee for the temporary license certificate
20 20 shall be based on the administrative costs of issuing the
20 21 ~~licenses~~ certificates.

20 22 Sec. 38. Section 161A.23, unnumbered paragraph 1, Code
20 23 2007, is amended to read as follows:

20 24 After obtaining agreements to carry out recommended soil
20 25 conservation measures and proper farm plans from owners of not
20 26 less than fifty percent of the lands situated in the
20 27 subdistrict, the governing body of the subdistrict shall have
20 28 the authority to establish a special tax for the purpose of
20 29 organization, construction, repair, alteration, enlargement,
20 30 extension and operation of present and future works of
20 31 improvement within the boundaries of said subdistrict. The
20 32 governing body shall appoint three appraisers to assess
20 33 benefits and classify the land affected by such improvements.
20 34 One of such appraisers shall be a competent ~~registered~~
20 35 licensed professional engineer and two of them shall be



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21 1 resident landowners of the county or counties in which the
21 2 subdistrict is located but not living within nor owning or
21 3 operating any lands included in said subdistrict.
21 4 Sec. 39. Section 174.2, unnumbered paragraph 3, Code 2007,
21 5 is amended to read as follows:
21 6 No salary or compensation of any kind shall be paid to the
21 7 president, vice president, treasurer, or to a director of the
21 8 ~~association~~ fair for such duties. However, the president,
21 9 vice president, treasurer, or a director of the ~~association~~
21 10 fair may be reimbursed for actual expenses incurred by
21 11 carrying out duties under this chapter or chapter 173,
21 12 including, but not limited to attending the convention
21 13 provided under section 173.2. A person claiming expenses
21 14 under this paragraph shall be reimbursed to the same extent
21 15 that a state employee is entitled to be reimbursed for
21 16 expenses.
21 17 Sec. 40. Section 185C.29, unnumbered paragraph 1, Code
21 18 2007, is amended to read as follows:
21 19 After the direct and indirect costs incurred by the
21 20 secretary and the costs of elections, ~~referendum~~ referendums,
21 21 necessary board expenses, and administrative costs have been
21 22 paid, at least seventy-five percent of the remaining moneys
21 23 from a state assessment deposited in the corn promotion fund
21 24 shall be used to carry out the purposes of this chapter as
21 25 provided in section 185C.11.
21 26 Sec. 41. Section 210.12, Code 2007, is amended to read as
21 27 follows:
21 28 210.12 SALE OF FRUITS AND VEGETABLES IN BASKETS.
21 29 Grapes, other fruits, and vegetables may be sold in climax
21 30 baskets; but when said commodities are sold in such manner and
21 31 the containers are labeled with the net weight of the contents
21 32 in accordance with the provisions of section 189.9, all the
21 33 provisions of ~~the chapter relative to labeling foods~~ 191 shall
21 34 be deemed to have been complied with.
21 35 Sec. 42. Section 214.6, Code 2007, is amended to read as



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22 1 follows:

22 2 214.6 OATH OF WEIGHMASTERS.

22 3 All persons keeping ~~public scales~~ a commercial weighing and
22 4 measuring device, before entering upon their duties as
22 5 weighmasters, shall be sworn before some person having
22 6 authority to administer oaths, to keep their ~~scales~~ device
22 7 correctly balanced, to make true weights, and to render a
22 8 correct account to the person having weighing done.

22 9 Sec. 43. Section 215.26, subsection 1, Code 2007, is
22 10 amended to read as follows:

22 11 1. "Commercial weighing and measuring device" means a
22 12 weight or measure or weighing or measuring device used to
22 13 establish size, quantity, area or other quantitative
22 14 measurement of a commodity sold by weight or measurement, or
22 15 where the price to be paid for producing the commodity is
22 16 based upon the weight or measurement of the commodity. The
22 17 term includes an accessory attached to or used in connection
22 18 with a commercial weighing or measuring device when the
22 19 accessory is so designed or installed that its operation may
22 20 affect the accuracy of the device. Commercial weighing and
22 21 measuring device includes a public scale ~~as defined under~~
~~22 22 section 214.1.~~

22 23 Sec. 44. Section 218.58, subsection 2, Code 2007, is
22 24 amended to read as follows:

22 25 2. The director shall have plans and specifications
22 26 prepared by the department of administrative services for
22 27 authorized construction, repair, or improvement projects
22 28 costing over the competitive bid threshold in section 26.3, or
22 29 as established in section 314.1B. An appropriation for a
22 30 project shall not be expended until the department of
22 31 administrative services has adopted plans and specifications
22 32 and has completed a detailed estimate of the cost of the
22 33 project, prepared under the supervision of a registered
22 34 architect or ~~registered~~ licensed professional engineer. Plans
22 35 and specifications shall not be adopted and a project shall



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23 1 not proceed if the project would require an expenditure of
23 2 money in excess of the appropriation.

23 3 Sec. 45. Section 256.57, subsection 1, Code 2007, is
23 4 amended to read as follows:

23 5 1. An enrich Iowa program is established in the division
23 6 to provide direct state assistance to public libraries, to
23 7 support the open access and access plus programs, to provide
23 8 public libraries with an incentive to improve library
23 9 services, ~~and~~ that are in compliance with performance
23 10 measures, and to reduce inequities among communities in the
23 11 delivery of library services based on performance measures
23 12 adopted by rule by the commission. The commission shall adopt
23 13 rules governing the allocation of funds appropriated by the
23 14 general assembly for purposes of this section to provide
23 15 direct state assistance to eligible public libraries. A
23 16 public library is eligible for funds under this chapter if it
23 17 is in compliance with the commission's performance measures.

23 18 Sec. 46. Section 256.57, subsection 2, paragraph a, Code
23 19 2007, is amended to read as follows:

23 20 a. The level of compliance by the eligible public library
23 21 with the performance measures adopted by the commission as
23 22 provided in this ~~paragraph~~ section.

23 23 Sec. 47. Section 256.57, subsection 5, Code 2007, is
23 24 amended to read as follows:

23 25 5. Each eligible public library shall maintain a separate
23 26 listing within its budget for payments received and
23 27 expenditures made pursuant to this ~~subsection~~ section, and
23 28 shall annually submit this listing to the division.

23 29 Sec. 48. Section 262.58, Code 2007, is amended to read as
23 30 follows:

23 31 262.58 RATES AND TERMS OF BONDS OR NOTES.

23 32 Such bonds or notes may bear such date or dates, may bear
23 33 interest at such rate or rates, payable semiannually, may
23 34 mature at such time or times, may be in such form, carry such
23 35 registration privileges, may be payable at such place or



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24 1 places, may be subject to such terms of redemption prior to
24 2 maturity with or without premium, if so stated on the face
24 3 thereof, and may contain such terms and covenants all as may
24 4 be provided by the resolution of the board authorizing the
24 5 issuance of the bonds or notes. In addition to the estimated
24 6 cost of construction, the cost of the project shall be deemed
24 7 to include interest upon the bonds or notes during
24 8 construction and for six months after the estimated completion
24 9 date, the compensation of a fiscal agent or adviser, and
24 10 engineering, administrative and legal expenses. Such bonds or
24 11 notes shall be executed by the president of the state board of
24 12 regents and attested by the executive director of the state
24 13 board of regents, secretary, or other official thereof
24 14 performing the duties of the executive director of the state
24 15 board of regents, and the coupons thereto attached shall be
24 16 executed with the original or facsimile signatures of said
24 17 president, ~~and~~ executive director, secretary, or other
24 18 official. Any bonds or notes bearing the signatures of
24 19 officers in office on the date of the signing thereof shall be
24 20 valid and binding for all purposes, notwithstanding that
24 21 before delivery thereof any or all such persons whose
24 22 signatures appear thereon shall have ceased to be such
24 23 officers. Each such bond or note shall state upon its face
24 24 the name of the institution on behalf of which it is issued,
24 25 that it is payable solely and only from the net rents, profits
24 26 and income derived from the operation of residence halls or
24 27 dormitories, including dining and other incidental facilities,
24 28 at such institution as hereinbefore provided, and that it does
24 29 not constitute a charge against the state of Iowa within the
24 30 meaning or application of any constitutional or statutory
24 31 limitation or provision. The issuance of such bonds or notes
24 32 shall be recorded in the office of the treasurer of the
24 33 institution on behalf of which the same are issued, and a
24 34 certificate by such treasurer to this effect shall be printed
24 35 on the back of each such bond or note.



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25 1 Sec. 49. Section 279.34, Code 2007, is amended to read as
25 2 follows:
25 3 279.34 MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL
25 4 BLENDED GASOLINE.
25 5 A motor vehicle purchased by or used under the direction of
25 6 the board of directors to provide services to a school
25 7 corporation shall not, ~~on or after January 1, 1993,~~ operate on
25 8 gasoline other than ethanol blended gasoline as defined in
25 9 section 214A.1. The motor vehicle shall also be affixed with
25 10 a brightly visible sticker which notifies the traveling public
25 11 that the motor vehicle is being operated on ethanol blended
25 12 gasoline. However, the sticker is not required to be affixed
25 13 to an unmarked vehicle used for purposes of providing law
25 14 enforcement or security.
25 15 Sec. 50. Section 297.14, Code 2007, is amended to read as
25 16 follows:
25 17 297.14 BARBED WIRE.
25 18 No school attendance center fence shall be constructed of
25 19 barbed wire, nor shall any barbed wire fence be placed within
25 20 ten feet of any school attendance center. Any person
25 21 violating the provisions of this section shall be guilty of a
25 22 simple misdemeanor.
25 23 Sec. 51. Section 309.17, Code 2007, is amended to read as
25 24 follows:
25 25 309.17 ENGINEER == TERM.
25 26 The board of supervisors shall employ one or more
25 27 ~~registered~~ licensed civil engineers who shall be known as
25 28 county engineers. The board shall fix their term of
25 29 employment which shall not exceed three years, but the tenure
25 30 of office may be terminated at any time by the board.
25 31 Sec. 52. Section 321.30, Code 2007, is amended to read as
25 32 follows:
25 33 321.30 GROUNDS FOR REFUSING REGISTRATION OR TITLE.
25 34 1. The department or the county treasurer shall refuse
25 35 registration and issuance of a certificate of title or any



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26 1 transfer of title and registration upon any of the following
26 2 grounds:
26 3 ~~1.~~ a. That the application contains any false or
26 4 fraudulent statement or that the applicant has failed to
26 5 furnish required information or reasonable additional
26 6 information requested by the department or that the applicant
26 7 is not entitled to registration and issuance of a certificate
26 8 of title of the vehicle under this chapter.
26 9 ~~2.~~ b. That the vehicle is mechanically unfit or unsafe to
26 10 be operated or moved upon the highways, providing such
26 11 condition is revealed by a member of this department, or any
26 12 peace officer.
26 13 ~~3.~~ c. That the department or the county treasurer has
26 14 reasonable ground to believe that the vehicle is a stolen or
26 15 embezzled vehicle or that the granting of registration and
26 16 issuance of a certificate of title would constitute a fraud
26 17 against the rightful owner.
26 18 ~~4.~~ d. That the registration of the vehicle stands
26 19 suspended or revoked for any reason as provided in the motor
26 20 vehicle laws of this state.
26 21 ~~5.~~ e. That the required fee has not been paid except as
26 22 provided in section 321.48.
26 23 ~~6.~~ f. That the required use tax has not been paid.
26 24 ~~7.~~ g. If application for registration and certificate of
26 25 title for a new vehicle is not accompanied by a manufacturer's
26 26 or importer's certificate duly assigned.
26 27 ~~8.~~ h. If application for a transfer of registration and
26 28 issuance of a certificate of title for a used vehicle
26 29 registered in this state is not accompanied by a certificate
26 30 of title duly assigned.
26 31 ~~9.~~ i. If application and supporting documents are
26 32 insufficient to authorize the issuance of a certificate of
26 33 title as provided by this chapter, except that an initial
26 34 registration or transfer of registration may be issued as
26 35 provided in section 321.23.



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27 1 ~~10.~~ j. In the case of a mobile home or manufactured home,
27 2 that taxes are owing under chapter 435 for a previous year.
27 3 ~~11.~~ k. In the case of a mobile home or manufactured home
27 4 converted from real estate, real estate taxes which are
27 5 delinquent.
27 6 ~~12.~~ l. If a commercial motor vehicle has been assigned to
27 7 be operated by a commercial motor carrier whose ability to
27 8 operate has been terminated or denied by a federal agency.
27 9 ~~13.~~ 2. Unless otherwise provided for in this chapter, the
27 10 department or the county treasurer shall refuse registration
27 11 and issuance of a certificate of title unless the vehicle
27 12 bears a manufacturer's label pursuant to 49 C.F.R. pt. 567
27 13 certifying that the vehicle meets federal motor vehicle safety
27 14 standards.
27 15 3. The department or the county treasurer shall refuse
27 16 registration of a vehicle on the following grounds:
27 17 ~~14. The department or the county treasurer knows that an~~
27 18 ~~applicant for renewal of a registration has a delinquent~~
27 19 ~~account, charge, fee, loan, taxes, or other indebtedness owed~~
27 20 ~~to or being collected by the state, from information received~~
27 21 ~~pursuant to sections 8A.504 and 421.17. An applicant may~~
27 22 ~~contest this action by requesting a contested case proceeding~~
27 23 ~~from the agency that referred the debt for collection pursuant~~
27 24 ~~to section 8A.504. This subsection shall apply only to a~~
27 25 ~~renewal of registration and shall not apply to the issuance of~~
27 26 ~~an original registration or to the issuance of a certificate~~
27 27 ~~of title.~~
27 28 ~~15. a. The department or the county treasurer shall~~
27 29 ~~refuse registration of a vehicle if If the applicant is under~~
27 30 the age of eighteen years, unless the applicant has an Iowa
27 31 driver's license or the application is being made by more than
27 32 one applicant and one of the applicants is at least eighteen
27 33 years of age.
27 34 ~~16. b. The department or the county treasurer shall also~~
27 35 ~~refuse registration of a vehicle if If the applicant for~~



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28 1 registration of the vehicle has failed to pay the required
28 2 registration fees of any vehicle owned or previously owned
28 3 when the registration fee was required to be paid by the
28 4 applicant, and for which vehicle the registration was
28 5 suspended or revoked under section 321.101, subsection 1,
28 6 paragraph "d", or section 321.101A, until the fees are paid
28 7 together with any accrued penalties.

28 8 Sec. 53. Section 321.40, unnumbered paragraph 6, Code
28 9 2007, is amended to read as follows:

28 10 The department or the county treasurer shall refuse to
28 11 renew the registration of a vehicle registered to the
28 12 applicant if the department or the county treasurer knows that
28 13 the applicant has a delinquent account, charge, fee, loan,
28 14 taxes, or other indebtedness owed to or being collected by the
28 15 state, from information provided pursuant to sections 8A.504
28 16 and 421.17. An applicant may contest this action by
28 17 requesting a contested case proceeding from the agency that
28 18 referred the debt for collection pursuant to section 8A.504.

28 19 Sec. 54. Section 321.101, subsection 3, unnumbered
28 20 paragraph 2, Code 2007, is amended to read as follows:

28 21 If a vehicle, for which the registration has been suspended
28 22 or revoked pursuant to subsection 1, paragraph "d", or section
28 23 321.101A, is transferred to a bona fide purchaser for value
28 24 without actual knowledge of such suspension or revocation,
28 25 then the vehicle shall be deemed to be registered and the
28 26 provisions of sections 321.28 and 321.30, ~~subsections 4~~
28 27 subsection 1, paragraphs "d" and 5 "e", shall not be
28 28 applicable to such vehicle for the failure of the previous
28 29 owner to pay the required fees.

28 30 Sec. 55. Section 331.610, Code 2007, is amended to read as
28 31 follows:

28 32 331.610 ABOLITION OF OFFICE OF RECORDER == IDENTIFICATION
28 33 OF OFFICE == PLACE OF FILING.

28 34 If the office of county recorder is abolished in a county,
28 35 the auditor of that county shall be referred to as the county
29 1 auditor and recorder. After abolition of the office of county
29 2 recorder, references in the Code requiring filing or recording
29 3 of documents with the county recorder shall be deemed to
29 4 require the filing in the office of the county auditor and
29 5 recorder, and all duties of the abolished office of recorder
29 6 shall be performed by the county auditor and recorder.
29 7 However, the board of supervisors may direct that any of the
29 8 duties of the abolished office of recorder prescribed in
29 9 section 331.602, subsection 9, 10, 11, or 16, or section
29 10 331.605, subsection 1, 2, 3, ~~or 4~~, or 5, shall be performed by
29 11 other county officers or employees as provided in section
29 12 331.323.

29 13 Sec. 56. Section 357A.11, subsection 11, unnumbered
29 14 paragraph 1, Code 2007, is amended to read as follows:

29 15 Have authority to execute an agreement with a governmental
29 16 entity, including a county, city, sanitary ~~sewer~~ district, or
29 17 another district, for purposes of managing or administering
29 18 the works, facilities, or waterways which are useful for the
29 19 collection, disposal, or treatment of wastewater or sewage and
29 20 which are located within the jurisdiction of the governmental
29 21 entity or the district. The board may do what is necessary to



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29 22 carry out the agreement, including but not limited to any of
29 23 the following:

29 24 Sec. 57. Section 357A.22A, unnumbered paragraph 2, Code
29 25 2007, is amended to read as follows:

29 26 A rural water district or rural water association
29 27 incorporated under this chapter or chapter 504 which provides
29 28 water service to cities, benefited fire districts, or
29 29 townships shall not be liable for a claim against the district
29 30 or association for failure to provide or maintain fire
29 31 hydrants, facilities, or an adequate supply of water or water
29 32 pressure for fire protection purposes if the purpose of the
29 33 hydrants, facilities, or water used is not for fire

29 34 protection. ~~Not later than July 1, 2006, the legislative~~
~~29 35 council shall provide for a review of the liability exemption~~



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~~30 1 or limitation provided for rural water districts or rural
30 2 water associations under this paragraph and assess its effect
30 3 on the provision of fire protection in areas served by the
30 4 rural water districts or rural water associations.~~

30 5 Sec. 58. Section 358.16, unnumbered paragraph 7, Code
30 6 2007, is amended to read as follows:

30 7 However, in the event of an emergency when the delay of
30 8 notice and hearing might cause serious loss or injury to
30 9 persons or property within the district, the board of trustees
30 10 may perform any action which may be required under this
30 11 section without prior notice and hearing, and assess the cost
30 12 as provided in this section, following notice to the property
30 13 owner and hearing in the time and manner provided in the
30 14 preceding paragraph. In that event the board of trustees
30 15 shall, by resolution, make a finding of the necessity to
30 16 institute emergency proceedings under this section, and shall
30 17 procure a certificate from a competent ~~registered~~ licensed
30 18 professional engineer or registered architect certifying that
30 19 emergency action is necessary.

30 20 Sec. 59. Section 358.40, subsection 1, unnumbered
30 21 paragraph 1, Code 2007, is amended to read as follows:

30 22 After three years from the establishment of a sanitary
30 23 ~~sewer~~ district, a petition may be filed in the office of the
30 24 county auditor, addressed to the board of supervisors, signed
30 25 by a majority of persons owning land in the district and who
30 26 in aggregate own at least sixty percent of the land in the
30 27 district. The petition shall include the above facts and
30 28 recite each of the following:

30 29 Sec. 60. Section 384.37, subsection 5, Code 2007, is
30 30 amended to read as follows:

30 31 5. "Engineer" means a professional engineer, ~~registered~~
30 32 licensed in the state of Iowa, authorized by the council to
30 33 render services in connection with the public improvement.

30 34 Sec. 61. Section 384.103, subsection 2, unnumbered
30 35 paragraph 1, Code 2007, is amended to read as follows:



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31 1 When emergency repair of a public improvement is necessary
31 2 and the delay of advertising and a public letting might cause
31 3 serious loss or injury to the city, the governing body shall,
31 4 by resolution, make a finding of the necessity to institute
31 5 emergency proceedings under this section, and shall procure a
31 6 certificate from a competent ~~registered~~ licensed professional
31 7 engineer or registered architect, not in the regular employ of
31 8 the city, certifying that emergency repairs are necessary.

31 9 Sec. 62. Section 403.19A, subsection 3, paragraphs e, f,
31 10 and k, Code 2007, are amended to read as follows:

31 11 e. (1) The employer shall certify to the department of
31 12 revenue that the targeted jobs withholding credit is in
31 13 accordance with the withholding agreement and shall provide
31 14 other information the department may require. Notice of any
31 15 withholding agreement shall be provided promptly to the
31 16 department of revenue following ~~its~~ execution of the agreement
31 17 by the pilot project city and the employer.

31 18 (2) Following termination of the withholding agreement,
31 19 the employer credits shall cease and any money received by the
31 20 pilot project city after termination shall be remitted to the
31 21 treasurer of state to be deposited into the general fund of
31 22 the state. Notice shall be provided promptly to the
31 23 department of revenue following termination.

31 24 f. If the employer ceases to meet the requirements of the
31 25 withholding agreement, the agreement shall be terminated and
31 26 any withholding tax credits for the benefit of the employer
31 27 shall cease. However, in regard to the number of new jobs
31 28 that are to be created, if the employer has met the number of
31 29 new jobs to be created pursuant to the withholding agreement
31 30 and subsequently the number of new jobs falls below the
31 31 required level, the employer shall not be considered as not
31 32 meeting the new job requirement until eighteen months after
31 33 the date of the decrease in the number of new jobs ~~employed~~
31 34 created.

31 35 k. At the time of submitting its budget to the department



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32 1 of management, the pilot project city shall submit to the
32 2 department of management and the department of economic
32 3 development a description of the activities involving the use
32 4 of withholding agreements. The description shall include, but
32 5 is not limited to, the following:

32 6 (1) The total number of targeted jobs and a breakdown as
32 7 to those that are Iowa business expansions or retentions
32 8 within the city limits of the pilot project city and those
32 9 that are jobs resulting from established out-of-state
32 10 businesses moving to or expanding in Iowa.

32 11 (2) The number of withholding agreements and the amount of
32 12 withholding credits involved.

32 13 (3) The types of businesses that entered into ~~the~~
32 14 agreements, and the types of businesses that declined the
32 15 city's proposal to enter into ~~the~~ an agreement.

32 16 Sec. 63. Section 421.9, subsection 3, Code 2007, is
32 17 amended to read as follows:

32 18 3. The director may make application to the district court
32 19 or judicial magistrate in the county where the books, records,
32 20 or assets are located for an administrative search warrant as
32 21 authorized by section 808.14, to ensure equitable
32 22 administration of state tax law, if any of the following
32 23 occurs:

32 24 a. A person refuses to allow the director or the
32 25 director's authorized representative to audit the person's
32 26 books or records or to inspect or value the person's assets.

32 27 b. The director has good and sufficient reason to believe
32 28 that a person will not allow the department to audit books or
32 29 records or inspect or value assets or to believe that the
32 30 person will destroy books or records or secrete or transfer
32 31 assets.

32 32 4. Immediately upon issuance of a distress warrant
32 33 authorized by section 422.26, the director may make
32 34 application to the district court or judicial magistrate for
32 35 an administrative search warrant as authorized by section



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33 1 808.14 to execute the distress warrant.
33 2 Sec. 64. Section 422.5, subsection 2A, unnumbered
33 3 paragraphs 1 and 2, Code 2007, are amended to read as follows:
33 4 However, the tax shall not be imposed on a resident or
33 5 nonresident who is at least sixty-five years old on December
33 6 31 of the tax year and whose net income, as defined in section
33 7 422.7, is twenty-four thousand dollars or less in the case of
33 8 married persons filing jointly or filing separately on a
33 9 combined return, ~~unmarried~~ heads of household, and surviving
33 10 spouses or eighteen thousand dollars or less in the case of
33 11 all other persons; but in the event that the payment of tax
33 12 under this division would reduce the net income to less than
33 13 twenty-four thousand dollars or eighteen thousand dollars as
33 14 applicable, then the tax shall be reduced to that amount which
33 15 would result in allowing the taxpayer to retain a net income
33 16 of twenty-four thousand dollars or eighteen thousand dollars
33 17 as applicable. The preceding sentence does not apply to
33 18 estates or trusts. For the purpose of this subsection, the
33 19 entire net income, including any part of the net income not
33 20 allocated to Iowa, shall be taken into account. For purposes
33 21 of this subsection, net income includes all amounts of
33 22 pensions or other retirement income received from any source
33 23 which is not taxable under this division as a result of the
33 24 government pension exclusions in section 422.7, or any other
33 25 state law. If the combined net income of a husband and wife
33 26 exceeds twenty-four thousand dollars, neither of them shall
33 27 receive the benefit of this subsection, and it is immaterial
33 28 whether they file a joint return or separate returns.
33 29 However, if a husband and wife file separate returns and have
33 30 a combined net income of twenty-four thousand dollars or less,
33 31 neither spouse shall receive the benefit of this paragraph, if
33 32 one spouse has a net operating loss and elects to carry back
33 33 or carry forward the loss as provided in section 422.9,
33 34 subsection 3. A person who is claimed as a dependent by
33 35 another person as defined in section 422.12 shall not receive



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34 1 the benefit of this subsection if the person claiming the
34 2 dependent has net income exceeding twenty-four thousand
34 3 dollars or eighteen thousand dollars as applicable or the
34 4 person claiming the dependent and the person's spouse have
34 5 combined net income exceeding twenty-four thousand dollars or
34 6 eighteen thousand dollars as applicable.

34 7 In addition, if the married persons', filing jointly or
34 8 filing separately on a combined return, ~~unmarried~~ head of
34 9 household's, or surviving spouse's net income exceeds
34 10 twenty-four thousand dollars, the regular tax imposed under
34 11 this division shall be the lesser of the maximum state
34 12 individual income tax rate times the portion of the net income
34 13 in excess of twenty-four thousand dollars or the regular tax
34 14 liability computed without regard to this sentence. Taxpayers
34 15 electing to file separately shall compute the alternate tax
34 16 described in this paragraph using the total net income of the
34 17 husband and wife. The alternate tax described in this
34 18 paragraph does not apply if one spouse elects to carry back or
34 19 carry forward the loss as provided in section 422.9,
34 20 subsection 3.

34 21 Sec. 65. Section 422.11N, subsection 5, paragraph b,
34 22 unnumbered paragraph 1, Code 2007, is amended to read as
34 23 follows:

34 24 For a retail dealer whose tax year is not the same as a
34 25 determination period beginning on January 1 and ending on
34 26 December 31, the retail dealer shall calculate the tax credit
34 27 ~~twice~~, as follows:

34 28 Sec. 66. Section 422.110, subsection 4, unnumbered
34 29 paragraph 1, Code 2007, is amended to read as follows:

34 30 For a retail dealer whose tax year is not on a calendar
34 31 year basis, the retail dealer shall calculate the tax credit
34 32 ~~twice~~, as follows:

34 33 Sec. 67. Section 422.12I, subsection 2, Code 2007, is
34 34 amended to read as follows:

34 35 2. The director of revenue shall draft the income tax form



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35 1 to allow the designation of contributions to the veterans
35 2 trust fund on the tax return. The department of revenue, on
35 3 or before January 31, shall transfer the total amount
35 4 designated on the tax return forms due in the preceding
35 5 calendar year to the veterans trust fund created in section
35 6 35A.13. However, before a checkoff pursuant to this section
35 7 shall be permitted, all liabilities on the books of the
35 8 department of ~~revenue~~ administrative services and accounts
35 9 identified as owing under section ~~421.17~~ 8A.504 and the
35 10 political contribution allowed under section 68A.601 shall be
35 11 satisfied.

35 12 Sec. 68. Section 423.4, subsection 1, paragraphs b and c,
35 13 Code 2007, are amended to read as follows:

35 14 b. Such governmental unit, educational institution,
35 15 nonprofit Iowa affiliate, or nonprofit private museum shall,
35 16 not more than one year after the final settlement has been
35 17 made, make application to the department for any refund of the
35 18 amount of the sales or use tax which shall have been paid upon
35 19 any goods, wares, or merchandise, or services furnished, the
35 20 application to be made in the manner and upon forms to be
35 21 provided by the department, and the department shall forthwith
35 22 audit the claim and, if approved, issue a warrant to the
35 23 governmental unit, educational institution, nonprofit Iowa
35 24 affiliate, or nonprofit private museum in the amount of the
35 25 sales or use tax which has been paid to the state of Iowa
35 26 under the contract.

35 27 c. Refunds authorized under this subsection shall accrue
35 28 interest at the rate in effect under section 421.7 from the
35 29 first day of the second calendar month following the date the
35 30 refund claim is received by the department.

35 31 ~~e.~~ d. Any contractor who willfully makes a false report
35 32 of tax paid under the provisions of this subsection is guilty
35 33 of a simple misdemeanor and in addition shall be liable for
35 34 the payment of the tax and any applicable penalty and
35 35 interest.



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36 1 Sec. 69. Section 423A.6, unnumbered paragraph 3, Code
36 2 2007, is amended to read as follows:
36 3 Section 422.25, subsection 4, sections 422.30, 422.67, and
36 4 422.68, section 422.69, subsection 1, sections 422.70, 422.71,
36 5 422.72, 422.74, and 422.75, section 423.14, subsection 1, and
36 6 sections 423.23, 423.24, 423.25, 423.31, 423.33, 423.35,
36 7 423.37 ~~to~~ through 423.42, and 423.47, consistent with the
36 8 provisions of this chapter, apply with respect to the taxes
36 9 authorized under this chapter, in the same manner and with the
36 10 same effect as if the state and local hotel and motel taxes
36 11 were retail sales taxes within the meaning of those statutes.
36 12 Notwithstanding this paragraph, the director shall provide for
36 13 quarterly filing of returns and for other than quarterly
36 14 filing of returns both as prescribed in section 423.31. The
36 15 director may require all persons who are engaged in the
36 16 business of deriving any sales price subject to tax under this
36 17 chapter to register with the department. All taxes collected
36 18 under this chapter by a retailer or any individual are deemed
36 19 to be held in trust for the state of Iowa and the local
36 20 jurisdictions imposing the taxes.
36 21 Sec. 70. Section 423D.4, unnumbered paragraph 3, Code
36 22 2007, is amended to read as follows:
36 23 Section 422.25, subsection 4, sections 422.30, 422.67, and
36 24 422.68, section 422.69, subsection 1, sections 422.70, 422.71,
36 25 422.72, 422.74, and 422.75, section 423.14, subsection 1, and
36 26 sections 423.23, 423.24, 423.25, 423.31 ~~to~~ through 423.35,
36 27 423.37 ~~to~~ through 423.42, and 423.47, consistent with the
36 28 provisions of this chapter, apply with respect to the tax
36 29 authorized under this chapter, in the same manner and with the
36 30 same effect as if the excise taxes on equipment sales or use
36 31 were retail sales taxes within the meaning of those statutes.
36 32 Notwithstanding this paragraph, the director shall provide for
36 33 quarterly filing of returns and for other than quarterly
36 34 filing of returns both as prescribed in section 423.31. All
36 35 taxes collected under this chapter by a retailer or any user



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37 1 are deemed to be held in trust for the state of Iowa.

37 2 Sec. 71. Section 446.19A, subsection 3, Code 2007, is
37 3 amended to read as follows:

37 4 3. If after the date that a parcel is sold pursuant to
37 5 this chapter, or after the date that a parcel is sold under
37 6 section 446.18, ~~446.38~~, or 446.39, the parcel assessed as
37 7 residential property or as commercial multifamily housing
37 8 property is identified as abandoned or as a vacant lot
37 9 pursuant to a verified statement filed with the county
37 10 treasurer by a city or county in the form set forth in
37 11 subsection 2, a city or county may require the assignment of
37 12 the tax sale certificate that had been issued for such parcel
37 13 by paying to the holder of such certificate the total amount
37 14 due on the date the assignment of the certificate is made to
37 15 the county or city and recorded with the county treasurer. If
37 16 a certificate holder fails to assign the certificate of
37 17 purchase to the city or county, the county treasurer is
37 18 authorized to issue a duplicate certificate of purchase, which
37 19 shall take the place of the original certificate, and assign
37 20 the duplicate certificate to the city or county. If the
37 21 certificate is not assigned by the county or city pursuant to
37 22 subsection 4, the county or city, whichever is applicable, is
37 23 liable for the tax sale interest that was due the certificate
37 24 holder pursuant to section 447.1, as of the date of
37 25 assignment.

37 26 Sec. 72. Section 446.20, subsection 2, unnumbered
37 27 paragraph 2, Code 2007, is amended to read as follows:

37 28 Service of the notice shall also be made by mail on any
37 29 mortgagee having a lien upon the parcel, a vendor of the
37 30 parcel under a recorded contract of sale, a lessor who has a
37 31 recorded lease or memorandum of a recorded lease, and any
37 32 other person who has an interest of record, at the person's
37 33 last known address, if the mortgagee, vendor, lessor, or other
37 34 person has filed a request for notice, as prescribed in
37 35 section 446.9, subsection 3, ~~and on the state of Iowa in case~~



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~~38 1 of a supplementary assistance lien by service upon the~~
~~38 2 department of human services. The notice shall also be served~~
38 3 on any city where the parcel is situated. Failure to receive
38 4 a mailed notice is not a defense to the payment of the total
38 5 amount due.

38 6 Sec. 73. Section 455B.171, subsection 27, Code 2007, is
38 7 amended to read as follows:

38 8 27. "Semi-public sewage disposal system" means a system
38 9 for the treatment or disposal of domestic sewage which is not
38 10 a private sewage disposal system and which is not owned by a
38 11 city, a sanitary ~~sewer~~ district, or a designated and approved
38 12 management agency under section 1288 of the federal Water
38 13 Pollution Control Act (33 U.S.C. } 1288).

38 14 Sec. 74. Section 455B.183, subsection 1, paragraph a, Code
38 15 2007, is amended to read as follows:

38 16 a. The construction, installation, or modification of any
38 17 disposal system or public water supply system or part thereof
38 18 or any extension or addition thereto except those sewer
38 19 extensions and water supply distribution system extensions
38 20 that are subject to review and approval by a city or county
38 21 public works department pursuant to this section, the use or
38 22 disposal of sewage sludge, and private sewage disposal
38 23 systems. Unless federal law or regulation requires the review
38 24 and approval of plans and specifications, a permit shall be
38 25 issued for the construction, installation, or modification of
38 26 a public water supply system or part of a system if a
38 27 qualified, ~~registered~~ licensed engineer certifies to the
38 28 department that the plans for the system or part of the system
38 29 meet the requirements of state and federal law or regulations.
38 30 The permit shall state that approval is based only upon the
38 31 engineer's certification that the system's design meets the
38 32 requirements of all applicable state and federal laws and
38 33 regulations and the review of the department shall be
38 34 advisory.

38 35 Sec. 75. Section 455B.183, subsection 2, unnumbered
39 1 paragraph 1, Code 2007, is amended to read as follows:

39 2 Upon adoption of standards by the commission pursuant to
39 3 section 455B.173, subsections 5 to 8, plans and specifications
39 4 for sewer extensions and water supply distribution system
39 5 extensions covered by this section shall be submitted to the
39 6 city or county public works department for approval if the
39 7 local public works department employs a qualified, ~~registered~~
39 8 licensed engineer who reviews the plans and specifications
39 9 using the specific state standards known as the Iowa Standards
39 10 for Sewer Systems and the Iowa Standards for Water Supply
39 11 Distribution Systems that have been formulated and adopted by
39 12 the department pursuant to section 455B.173, subsections 5 to
39 13 8. The local agency shall issue a written permit to construct
39 14 if all of the following apply:

39 15 Sec. 76. Section 455B.183, subsection 4, Code 2007, is
39 16 amended to read as follows:

39 17 4. Plans and specifications for all other waste disposal
39 18 systems and public water supply systems, including sewer
39 19 extensions and water supply distribution system extensions not
39 20 reviewed by a city or county public works department under
39 21 this section, shall be submitted to the department before a



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39 22 written permit may be issued. Plans and specifications for
39 23 public water supply systems and water supply distribution
39 24 system extensions must be certified by a ~~registered~~ licensed
39 25 engineer as provided in subsection 1, paragraph "a". The
39 26 construction of any such waste disposal system or public water
39 27 supply system shall be in accordance with standards formulated
39 28 and adopted by the department pursuant to section 455B.173,
39 29 subsections 5 to 8. If it is necessary or desirable to make
39 30 material changes in the plans or specifications, revised plans
39 31 or specifications together with reasons for the proposed
39 32 changes must be submitted to the department for a supplemental
39 33 written permit. The revised plans and specifications for a
39 34 public water supply system must be certified by a ~~registered~~
39 35 licensed engineer as provided in subsection 1, paragraph "a".



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40 1 Sec. 77. Section 455B.803, subsection 2, paragraph b,
40 2 subparagraph (7), subparagraph subdivision (c), Code 2007, is
40 3 amended to read as follows:

40 4 (c) Confirmation that the vehicle recycler has submitted
40 5 switches at least once every twelve months since joining the
40 6 program.

40 7 Sec. 78. Section 455G.18, subsection 2, paragraph b, Code
40 8 2007, is amended to read as follows:

40 9 b. A professional engineer ~~registered~~ licensed in Iowa.

40 10 Sec. 79. Section 455G.18, subsection 8, Code 2007, is
40 11 amended to read as follows:

40 12 8. The board may provide for exemption from the
40 13 certification requirements of this section for a professional
40 14 engineer ~~registered~~ licensed pursuant to chapter 542B, if the
40 15 person is qualified in the field of geotechnical,
40 16 hydrological, environmental groundwater, or hydrogeological
40 17 engineering.

40 18 Sec. 80. Section 459.314B, subsection 3, Code 2007, is
40 19 amended to read as follows:

40 20 3. Knowingly employing or executing a contract with a
40 21 person who acts as a commercial manure service representative
40 22 and who is not certified pursuant to section 459.315.

40 23 Sec. 81. Section 459A.401, subsection 1, Code 2007, is
40 24 amended to read as follows:

40 25 1. All settleable solids from open feedlot effluent shall
40 26 be removed prior to discharge into ~~the waters~~ a water of the
40 27 state.

40 28 a. The settleable solids shall be removed by use of a
40 29 solids settling facility. The construction of a solids
40 30 settling facility is not required where existing site
40 31 conditions provide for removal of settleable solids prior to
40 32 discharge into ~~the waters~~ a water of the state.

40 33 b. The removal of settleable solids shall be deemed to
40 34 have occurred when the velocity of flow of the open feedlot
40 35 effluent has been reduced to less than point five feet per



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41 1 second for a minimum of five minutes. A solids settling
41 2 facility shall have sufficient capacity to store settled
41 3 solids between periods of land application and to provide
41 4 required flow=velocity reduction for open feedlot effluent
41 5 flow volumes resulting from a precipitation event of less
41 6 intensity than a ten=year, one=hour frequency event. A solids
41 7 settling facility which receives open feedlot effluent shall
41 8 provide a minimum of one square foot of surface area for each
41 9 eight cubic feet of open feedlot effluent per hour resulting
41 10 from a ten=year, one=hour frequency precipitation event.

41 11 Sec. 82. Section 464A.5, Code 2007, is amended to read as
41 12 follows:

41 13 464A.5 APPRAISAL OF DAMAGES.

41 14 If, at the time of the hearing, the claims for damages
41 15 shall have been filed, further proceedings shall be continued
41 16 to an adjourned, regular, or special session, the date and
41 17 place of which shall be fixed at the time of adjournment and
41 18 of which all interested parties shall take notice, and the
41 19 commission shall have the damages appraised by three
41 20 appraisers to be appointed by the chief justice of the supreme
41 21 court. One of these appraisers shall be a ~~registered~~ licensed
41 22 civil engineer resident of the state and two shall be
41 23 freeholders of the state, who shall not be interested in nor
41 24 related to any person affected by the proposed project.

41 25 Sec. 83. Section 468.3, subsection 6, Code 2007, is
41 26 amended to read as follows:

41 27 6. The term "engineer" and the term "civil engineer",
41 28 within the meaning of this subchapter, parts 1 through 5,
41 29 subchapter II, parts 1, 4, 5, and 6, and subchapter V, shall
41 30 mean a person ~~registered~~ licensed as a professional engineer
41 31 under the provisions of chapter 542B.

41 32 Sec. 84. Section 479.29, subsection 2, Code 2007, is
41 33 amended to read as follows:

41 34 2. The county board of supervisors shall cause an on=site
41 35 inspection for compliance with the standards adopted under



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42 1 this section to be performed at any pipeline construction
42 2 project in the county. A licensed professional engineer
42 3 familiar with the standards adopted under this section and
42 4 ~~registered~~ licensed under chapter 542B shall be responsible
42 5 for the inspection. A county board of supervisors may
42 6 contract for the services of a licensed professional engineer
42 7 for the purposes of the inspection. The reasonable costs of
42 8 the inspection shall be borne by the pipeline company.

42 9 Sec. 85. Section 501A.1101, subsection 4, paragraph c,
42 10 Code 2007, is amended to read as follows:

42 11 c. After the plan has been adopted, articles of merger or
42 12 consolidation stating the plan and that the plan was adopted
42 13 according to this subsection shall be signed by the
42 14 chairperson, vice chairperson, or records officer, ~~or~~
~~42 15 documents officer~~ of each cooperative merging or
42 16 consolidating.

42 17 Sec. 86. Section 502.404, subsection 5, Code 2007, is
42 18 amended to read as follows:

42 19 5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful
42 20 for an individual acting as an investment adviser
42 21 representative, directly or indirectly, to conduct business in
42 22 this state on behalf of an investment adviser or a federal
42 23 covered investment adviser if the registration of the
42 24 individual as an investment adviser representative is
42 25 suspended or revoked or the individual is barred from
42 26 employment or association with an investment adviser or a
42 27 federal covered investment adviser by an order under this
42 28 chapter, the securities and exchange commission, or a
42 29 self-regulatory organization. Upon request from a federal
42 30 covered investment adviser and for good cause, the
42 31 administrator, by order issued, may waive, in whole or in
42 32 part, the application of the requirements of this subsection
42 33 to the ~~federal covered~~ investment adviser representative.

42 34 Sec. 87. Section 504.801, subsection 2, Code 2007, is
42 35 amended to read as follows:



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43 1 2. Except as otherwise provided in this ~~subchapter~~ chapter
43 2 or subsection 3, all corporate powers shall be exercised by or
43 3 under the authority of, and the affairs of the corporation
43 4 managed under the direction of, its board.

43 5 Sec. 88. Section 507.16, Code 2007, is amended to read as
43 6 follows:

43 7 507.16 UNLAWFUL SOLICITATION OF BUSINESS.

43 8 It shall be unlawful for any officer, manager, agent, or
43 9 representative of any insurance company contemplated by this
43 10 chapter, who, with knowledge that its certificate of authority
43 11 has been suspended or revoked, or that it is insolvent, or is
43 12 doing an unlawful or unauthorized business, to solicit or
43 13 receive applications for insurance for the company, or to do
43 14 any other act or thing toward receiving or procuring any new
43 15 business for the company. The provisions of sections ~~511.16~~
43 16 505.7A and 511.17 are extended to all companies contemplated
43 17 by this chapter.

43 18 Sec. 89. Section 512B.25, Code 2007, is amended to read as
43 19 follows:

43 20 512B.25 ANNUAL LICENSE == RENEWAL.

43 21 The authority of a society to transact business in this
43 22 state may be renewed annually. A license terminates on the
43 23 ~~succeeding~~ first day of June ± following issuance or renewal.
43 24 A society shall submit annually on or before March 1 a
43 25 completed application for renewal of its license. For each
43 26 license or renewal the society shall pay the commissioner a
43 27 fee of fifty dollars. A society that fails to timely file an
43 28 application for renewal shall pay an administrative penalty of
43 29 five hundred dollars to the treasurer of state for deposit in
43 30 the general fund of the state as provided in section 505.7. A
43 31 duly certified copy or duplicate of the license is prima facie
43 32 evidence that the licensee is a fraternal benefit society
43 33 within the meaning of this chapter.

43 34 Sec. 90. Section 533.27, unnumbered paragraph 1, Code
43 35 2007, is amended to read as follows:



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44 1 With the exception of certain account records which shall
44 2 not be destroyed pursuant to section 533.26, liability shall
44 3 not accrue against any credit union destroying any ~~such~~
44 4 records after the expiration of the time provided in section
44 5 533.26, this section, and section 533.29. In any cause or
44 6 proceedings in which any such records or files may be called
44 7 into question or be demanded of the credit union or of any
44 8 officer or employee of the credit union, a showing that such
44 9 records or files have been destroyed in accordance with the
44 10 terms of such sections shall be a sufficient excuse for the
44 11 failure to produce them. Nothing herein shall require credit
44 12 unions to retain any class of records or files for the period
44 13 of limitations of actions provided herein; but any records,
44 14 files, or class of records not deemed necessary for the
44 15 conduct of the current business of credit unions, or future
44 16 examinations thereof, or for defense in the event of
44 17 litigation, may be destroyed within such period.

44 18 Sec. 91. Section 533A.2, subsection 3, Code 2007, is
44 19 amended to read as follows:

44 20 3. The application for a license shall be in the form
44 21 prescribed by the superintendent. If the applicant is not a
44 22 natural person, a copy of the legal documents creating the
44 23 applicant shall be filed with the application. The
44 24 application shall contain all of the following:

44 25 a. The name of the applicant.

44 26 b. If the applicant is not a natural person, the type of
44 27 business entity of the applicant and the date the entity was
44 28 organized.

44 29 c. The address where the business is to be conducted,
44 30 including information as to any branch office of the
44 31 applicant.

44 32 d. The name and resident address of the applicant's owner
44 33 or partners, or, if a corporation, association, or agency, of
44 34 the members, shareholders, directors, trustees, principal
44 35 officers, managers, and agents. ~~If the applicant is not a~~



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~~45 1 natural person, a copy of the legal documents creating the
45 2 applicant shall be filed with the application.~~

45 3 e. Other pertinent information as the superintendent may
45 4 require, including a credit report.

45 5 Sec. 92. Section 533A.5, subsection 1, Code 2007, is
45 6 amended to read as follows:

45 7 1. To continue in the business of debt management, each
45 8 licensee shall annually apply on or before June 1 to the
45 9 superintendent for renewal of its license. The superintendent
45 10 may assess a late fee of ten dollars per day for applications
45 11 submitted and accepted for processing after June 1.

45 12 Sec. 93. Section 533A.9A, Code 2007, is amended to read as
45 13 follows:

45 14 533A.9A DONATIONS.

45 15 A donation shall not be charged to a debtor or creditor,
45 16 deducted from a payment to a creditor, deducted from the
45 17 debtor's account, or deducted from payments made to the
45 18 licensee pursuant to the debt management contract. If a
45 19 licensee requests a donation from a debtor, the licensee must
45 20 clearly indicate that any donation is voluntary and not a
45 21 condition or requirement for providing debt management.

45 22 Sec. 94. Section 544A.17, subsections 1 and 2, Code 2007,
45 23 are amended to read as follows:

45 24 1. Professional engineers ~~registered~~ licensed under
45 25 chapter 542B.

45 26 2. Persons acting under the instruction, control or
45 27 supervision of, and those executing the plans of, a registered
45 28 architect or a professional engineer ~~registered~~ licensed under
45 29 chapter 542B, provided that such unregistered or unlicensed
45 30 persons shall not be placed in responsible charge of
45 31 architectural or professional engineering work.

45 32 Sec. 95. Section 544A.18, subsection 5, Code 2007, is
45 33 amended to read as follows:

45 34 5. Factory built buildings which are not more than two
45 35 stories in height and not exceeding twenty thousand square



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46 1 feet in gross floor area or which are certified by a
46 2 professional engineer ~~registered~~ licensed under chapter 542B.
46 3 Sec. 96. Section 544B.12, Code 2007, is amended to read as
46 4 follows:
46 5 544B.12 SEAL.
46 6 Every professional landscape architect shall have a seal,
46 7 approved by the board, which shall contain the name of the
46 8 landscape architect and the words "Professional Landscape
46 9 Architect, State of Iowa", and such other words or figures as
46 10 the board may deem necessary. All landscape architectural
46 11 plans and specifications, prepared by such professional
46 12 landscape architect or under the supervision of such
46 13 professional landscape architect, shall be dated and bear the
46 14 legible seal of such professional landscape architect.
46 15 Nothing contained in this section shall be construed to permit
46 16 the seal of a professional landscape architect to serve as a
46 17 substitute for the seal of a ~~licensed~~ registered architect, a
46 18 licensed professional engineer, or a licensed land surveyor
46 19 whenever the seal of an architect, engineer or land surveyor
46 20 is required under the laws of this state.
46 21 Sec. 97. Section 544B.20, subsections 1 and 3, Code 2007,
46 22 are amended to read as follows:
46 23 1. To apply to a professional engineer duly ~~registered~~
46 24 licensed under the laws of this state.
46 25 3. To prevent a registered architect or licensed
46 26 professional engineer from doing landscape planning and
46 27 designing.
46 28 Sec. 98. Section 602.11101, subsection 6, Code 2007, is
46 29 amended by striking the subsection.
46 30 Sec. 99. Section 617.3, unnumbered paragraph 5, Code 2007,
46 31 is amended to read as follows:
46 32 The original notice of suit filed with the secretary of
46 33 state shall be in form and substance the same as provided in
46 34 rule of civil procedure ~~1-901~~ 1.1901, form 3, Iowa court
46 35 rules.



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47 1 Sec. 100. Section 622.31, Code 2007, is amended to read as
47 2 follows:

47 3 622.31 EVIDENCE OF REGRET OR SORROW.

47 4 In any civil action for professional negligence, personal
47 5 injury, or wrongful death or in any arbitration proceeding for
47 6 professional negligence, personal injury, or wrongful death
47 7 against a person in a profession ~~represented~~ regulated by one
47 8 of the examining boards listed in section 272C.1 and or in any
47 9 other licensed profession recognized in this state, a hospital
47 10 licensed pursuant to chapter 135B, or a health care facility
47 11 licensed pursuant to chapter 135C, based upon the alleged
47 12 negligence in the practice of that profession or occupation,
47 13 that portion of a statement, affirmation, gesture, or conduct
47 14 expressing sorrow, sympathy, commiseration, condolence,
47 15 compassion, or a general sense of benevolence that was made by
47 16 the person to the plaintiff, relative of the plaintiff, or
47 17 decision maker for the plaintiff that relates to the
47 18 discomfort, pain, suffering, injury, or death of the plaintiff
47 19 as a result of an alleged breach of the applicable standard of
47 20 care is inadmissible as evidence. Any response by the
47 21 plaintiff, relative of the plaintiff, or decision maker for
47 22 the plaintiff to such statement, affirmation, gesture, or
47 23 conduct is similarly inadmissible as evidence.

47 24 Sec. 101. Section 622A.1, Code 2007, is amended to read as
47 25 follows:

47 26 622A.1 ~~DEFINITION~~ DEFINITIONS.

47 27 As used in this chapter, "~~legal proceeding~~" unless the
47 28 context otherwise requires:

47 29 1. "Administrative agency" means any department, board,
47 30 commission, or agency of the state or any political
47 31 subdivision of the state.

47 32 2. "Legal proceeding" means any action before any court,
47 33 or any legal action preparatory to appearing before any court,
47 34 whether civil, criminal, or juvenile in nature; and any
47 35 administrative proceeding before any state administrative



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48 1 agency ~~or governmental subdivision~~ which is quasi-judicial in
48 2 nature and which has direct legal implications to any person.

48 3 Sec. 102. Section 627.6, subsection 9, Code 2007, is
48 4 amended to read as follows:

48 5 9. The debtor's interest in ~~the following:~~

48 6 a. ~~One~~ one motor vehicle, not to exceed in value seven
48 7 thousand dollars ~~in the aggregate.~~

48 8 ~~b.~~ 9A. In the event of a bankruptcy proceeding, the
48 9 debtor's interest in accrued wages and in state and federal
48 10 tax refunds as of the date of filing of the petition in
48 11 bankruptcy, not to exceed one thousand dollars in the
48 12 aggregate. This exemption is in addition to the limitations
48 13 contained in sections 642.21 and 537.5105.

48 14 Sec. 103. Section 654.15A, Code 2007, is amended to read
48 15 as follows:

48 16 654.15A NOTICE OF SALE TO JUNIOR CREDITORS.

48 17 A junior creditor may file and serve on the judgment
48 18 creditor a request for notice of the sheriff's sale. Such
48 19 request for notice shall include a facsimile number or
48 20 electronic mail address where the creditor shall be notified
48 21 of the sale. At least ten days prior to the date of sale, the
48 22 attorney for the junior creditor shall file proof of service
48 23 of such request for notice. Upon motion filed within thirty
48 24 days of the sale, the court may set aside a sale in which a
48 25 junior creditor who requests notice is damaged by the failure
48 26 of the sheriff or the judgment creditor to give notice
48 27 pursuant to this section.

48 28 Sec. 104. Section 654.17, Code 2007, is amended to read as
48 29 follows:

48 30 654.17 RECISION OF FORECLOSURE.

48 31 At any time prior to the recording of the sheriff's deed,
48 32 and before the mortgagee's rights become unenforceable by
48 33 operation of the statute of limitations, the judgment
48 34 creditor, or the judgment creditor who is the successful
48 35 bidder at the sheriff's sale, with the written consent of the
49 1 mortgagor may rescind the foreclosure action by filing a
49 2 notice of recision with the clerk of court in the county in
49 3 which the property is located along with a filing fee of fifty
49 4 dollars. In addition, such person shall pay a fee of
49 5 twenty-five dollars for documents filed in the foreclosure
49 6 action which the plaintiff requests returned. Upon the filing
49 7 of the notice of recision, the mortgage loan shall be
49 8 enforceable according to the original terms of the ~~foreclosure~~
49 9 mortgage loan and the rights of all persons with an interest
49 10 in the property may be enforced as if the foreclosure had not
49 11 been filed. However, any findings of fact or law shall be
49 12 preclusive for purposes of any future action unless the court,
49 13 upon hearing, rules otherwise. The mortgagor shall be
49 14 assessed costs, including reasonable attorney fees, of
49 15 foreclosure and recision if provided by the mortgage
49 16 agreement.

49 17 Sec. 105. Section 655A.3, subsection 3, Code 2007, is
49 18 amended to read as follows:

49 19 3. The mortgagee may file a written notice required in
49 20 subsection 1 together with proof of service on the mortgagor
49 21 with the recorder of the county where the mortgaged property



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49 22 is located. Such a filing shall have the same force and
49 23 effect on third parties as an indexed notation entered by the
49 24 clerk of the district court pursuant to section 617.10 ~~and~~
~~49 25 shall commence on, commencing from~~ the filing of proof of
49 26 service on the mortgagors and ~~terminate~~ terminating on the
49 27 filing of a rejection pursuant to section 655A.6, an affidavit
49 28 of completion pursuant to section 655A.7, or the expiration of
49 29 ninety days from completion of service on the mortgagors,
49 30 whichever occurs first.
49 31 Sec. 106. Section 723.5, subsection 1, paragraph b, Code
49 32 2007, is amended to read as follows:
49 33 b. ~~Direct~~ Use abusive epithets or make any threatening
49 34 gesture which the person knows or reasonably should know is
49 35 likely to provoke a violent reaction by another.



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50 1 Sec. 107. Section 726.6, subsection 7, Code 2007, is
50 2 amended to read as follows:
50 3 7. A person who commits child endangerment that is not
50 4 subject to penalty under subsection 4, 5, or 6 is guilty of an
50 5 aggravated misdemeanor.
50 6 Sec. 108. Section 802.2, Code 2007, is amended to read as
50 7 follows:
50 8 802.2 SEXUAL ABUSE == FIRST, SECOND, OR THIRD DEGREE.
50 9 1. An information or indictment for sexual abuse in the
50 10 first, second, or third degree committed on or with a person
50 11 who is under the age of eighteen years shall be found within
50 12 ten years after the person upon whom the offense is committed
50 13 attains eighteen years of age, or if ~~the identity of the~~
50 14 person against whom the information or indictment is sought is
50 15 ~~established~~ identified through the use of a DNA profile, an
50 16 information or indictment shall be found within three years
50 17 from the date the ~~identity of the~~ person is identified by the
50 18 person's DNA profile, whichever is later.
50 19 2. An information or indictment for any other sexual abuse
50 20 in the first, second, or third degree shall be found within
50 21 ten years after its commission, or if the ~~identity of the~~
50 22 person against whom the information or indictment is sought is
50 23 ~~established~~ identified through the use of a DNA profile, an
50 24 information or indictment shall be found within three years
50 25 from the date the ~~identity of the~~ person is identified by the
50 26 person's DNA profile, whichever is later.
50 27 3. As used in this section, "identified" means a person's
50 28 legal name is known and the person has been determined to be
50 29 the source of the DNA.
50 30 Sec. 109. Section 802.10, Code 2007, is amended to read as
50 31 follows:
50 32 802.10 DNA PROFILE OF ACCUSED.
50 33 1. As used in this section:
50 34 a. "DNA profile" means the same as defined in section
50 35 81.1.



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51 1 b. "Identified" means the same as defined in section
51 2 802.2.

51 3 2. An indictment or information may be found containing
51 4 only the DNA profile of the person ~~charged~~ sought. When an
51 5 indictment or information is found containing only a DNA
51 6 profile, the limitation of any action under section 802.3 is
51 7 tolled.

51 8 3. However, notwithstanding subsection 2, an indictment or
51 9 information shall be found against a person within three years
51 10 from the date the identity of the person charged is identified
51 11 by the person's DNA profile under section 802.3. If the
51 12 action involves sexual abuse, the indictment or information
51 13 shall be found as provided in section 802.2, if the person is
51 14 identified by the person's DNA profile.

51 15 Sec. 110. 2006 Iowa Acts, chapter 1112, section 2, is
51 16 amended to read as follows:

51 17 SEC. 2. Section 422.5, Code 2005, is amended by adding the
51 18 following new subsection:

51 19 NEW SUBSECTION. 2B. However, the tax shall not be imposed
51 20 on a resident or nonresident who is at least sixty=five years
51 21 old on December 31 of the tax year and whose net income, as
51 22 defined in section 422.7, is thirty=two thousand dollars or
51 23 less in the case of married persons filing jointly or filing
51 24 separately on a combined return, ~~unmarried~~ heads of household,
51 25 and surviving spouses or twenty=four thousand dollars or less
51 26 in the case of all other persons; but in the event that the
51 27 payment of tax under this division would reduce the net income
51 28 to less than thirty=two thousand dollars or twenty=four
51 29 thousand dollars as applicable, then the tax shall be reduced
51 30 to that amount which would result in allowing the taxpayer to
51 31 retain a net income of thirty=two thousand dollars or
51 32 twenty=four thousand dollars as applicable. The preceding
51 33 sentence does not apply to estates or trusts. For the purpose
51 34 of this subsection, the entire net income, including any part
51 35 of the net income not allocated to Iowa, shall be taken into



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52 1 account. For purposes of this subsection, net income includes
52 2 all amounts of pensions or other retirement income received
52 3 from any source which is not taxable under this division as a
52 4 result of the government pension exclusions in section 422.7,
52 5 or any other state law. If the combined net income of a
52 6 husband and wife exceeds thirty-two thousand dollars, neither
52 7 of them shall receive the benefit of this subsection, and it
52 8 is immaterial whether they file a joint return or separate
52 9 returns. However, if a husband and wife file separate returns
52 10 and have a combined net income of thirty-two thousand dollars
52 11 or less, neither spouse shall receive the benefit of this
52 12 paragraph, if one spouse has a net operating loss and elects
52 13 to carry back or carry forward the loss as provided in section
52 14 422.9, subsection 3. A person who is claimed as a dependent
52 15 by another person as defined in section 422.12 shall not
52 16 receive the benefit of this subsection if the person claiming
52 17 the dependent has net income exceeding thirty-two thousand
52 18 dollars or twenty-four thousand dollars as applicable or the
52 19 person claiming the dependent and the person's spouse have
52 20 combined net income exceeding thirty-two thousand dollars or
52 21 twenty-four thousand dollars as applicable.

52 22 In addition, if the married persons', filing jointly or
52 23 filing separately on a combined return, ~~unmarried~~ head of
52 24 household's, or surviving spouse's net income exceeds
52 25 thirty-two thousand dollars, the regular tax imposed under
52 26 this division shall be the lesser of the maximum state
52 27 individual income tax rate times the portion of the net income
52 28 in excess of thirty-two thousand dollars or the regular tax
52 29 liability computed without regard to this sentence. Taxpayers
52 30 electing to file separately shall compute the alternate tax
52 31 described in this paragraph using the total net income of the
52 32 husband and wife. The alternate tax described in this
52 33 paragraph does not apply if one spouse elects to carry back or
52 34 carry forward the loss as provided in section 422.9,
52 35 subsection 3.



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53 1 This subsection applies even though one spouse has not
53 2 attained the age of sixty=five, if the other spouse is at
53 3 least sixty=five at the end of the tax year.
53 4 Sec. 111. Section 13B.8A, Code 2007, is repealed.
53 5 Sec. 112. Sections 15E.131 through 15E.149, Code 2007, are
53 6 repealed.
53 7 Sec. 113. Sections 260F.10, 260G.10, and 446.38, Code
53 8 2007, are repealed.
53 9 Sec. 114. EFFECTIVE DATE. The section of this Act
53 10 amending 2006 Iowa Acts, chapter 1112, section 2, takes effect
53 11 January 1, 2009.

EXPLANATION

53 13 This bill contains statutory corrections that adjust
53 14 language to reflect current practices, insert earlier
53 15 omissions, delete redundancies and inaccuracies, delete
53 16 temporary language, resolve inconsistencies and conflicts,
53 17 update ongoing provisions, or remove ambiguities. The Code
53 18 sections amended include all of the following:
53 19 Code sections 2C.11, 15E.197, and 22.7(52): Organizes or
53 20 reorganizes the Code section into designated parts consistent
53 21 with the substantive language and intent of the Code section.
53 22 Code section 8F.3(1)(d): Conforms language relating to
53 23 information a recipient entity under a service contract with
53 24 an oversight agency must have available for inspection to
53 25 existing language in paragraph "d" regarding such information.
53 26 Code section 10B.7: Adds references to Code chapters 490A
53 27 and 501A to a series of chapter references relating to
53 28 concurrent filing of certain biennial reports with the office
53 29 of secretary of state. This change conforms the series of
53 30 references to similar language containing the same series of
53 31 references in Code section 10B.4.
53 32 Code section 11.2: Substitutes the words "treasurer of
53 33 state" for the words "treasury department". There is no
53 34 treasury department and the records that are referred to as
53 35 audited daily are records of the office of treasurer of state.



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54 1 Code sections 13B.8A (repealed at end of bill) and
54 2 602.11101(6): Strikes provisions relating to court
54 3 reorganization and the transfer of the public defender's
54 4 offices from the counties to the state. The transfer was done
54 5 in 1989 in Code chapter 13B and there are no longer any
54 6 existing claims.
54 7 Code section 15.108(5): Modifies language that appears at
54 8 the beginning of this unnumbered paragraph that sets out
54 9 duties of the department of economic development pertaining to
54 10 tourism, so that the paragraph conforms with the balance of
54 11 the subsection.
54 12 Code section 15E.192(3): Restructures a sentence to
54 13 clarify language limiting the annual amount of enterprise zone
54 14 incentives and assistance to be awarded to eligible businesses
54 15 that apply for incentives and assistance and that are located
54 16 in a certified enterprise zone.
54 17 Code sections 15E.131 through 15E.149 (repealed at end of
54 18 bill): Eliminates obsolete provisions establishing the
54 19 business development finance Act. The Code sections provided
54 20 for the creation of a corporation that has not been active
54 21 since the early 1990s and that was administratively dissolved
54 22 by the office of secretary of state on August 5, 2002.
54 23 Code section 15E.193: Adds the words "parcels of" between
54 24 the words "contiguous" and "land" in this provision
54 25 establishing the criteria for eligibility for enterprise zone
54 26 tax incentives.
54 27 Code sections 15G.203(1) and (3) and 15G.204(2): Modifies
54 28 language in provisions relating to the renewable fuel
54 29 infrastructure programs established in the department of
54 30 economic development to provide that the programs shall be
54 31 administered in conjunction with the department's cost=share
54 32 program for financial incentives for the installation or
54 33 conversion of renewable fuel infrastructure in Code section
54 34 15.401 "to the extent practicable" rather than "to all extent
54 35 practical".



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55 1 Code section 29A.28: Eliminates the word "or", and adds a
55 2 comma to set off an independent clause, to correct a series
55 3 describing the individuals entitled to a leave of absence from
55 4 employment due to military service.

55 5 Code section 29A.57: Adds the word "army" before the words
55 6 "national guard" in language referring to the parts of the
55 7 national guard which make up the military forces of the state
55 8 of Iowa. This conforms the references to other similar
55 9 references to the separate parts of the national guard, in
55 10 provisions such as Code sections 29A.6 and 29A.16.

55 11 Code sections 35A.10, 103A.19, 103A.21, 161A.23, 218.58,
55 12 309.17, 358.16, 384.37, 384.103, 455B.183, 455G.18, 464A.5,
55 13 468.3, 479.29, 544A.17, 544A.18, 544B.12, and 544B.20:
55 14 Changes references to "registered" engineers to "licensed"
55 15 engineers. Engineers are licensed under chapter 542B, not
55 16 registered. Code section 103A.19 is also renumbered, and an
55 17 internal reference to that Code section is corrected in
55 18 103A.21, to facilitate citation within Code section 103A.19.
55 19 In Code sections 358.16 and 384.103, the word "registered" is
55 20 also added before the word "architect" to distinguish between
55 21 the method used in chapter 544A to regulate architects and the
55 22 licensing of engineers.

55 23 Code sections 68B.32A and 68B.32B: Strikes references to
55 24 the term "agency" in language relating to violations of Code
55 25 section 8.7. Code section 8.7 uses the terms "department" and
55 26 "governor" to describe the persons regulated under that
55 27 section. In Code section 68B.32A, the term "reporting" is
55 28 also changed to "reports" to conform to the usage of the term
55 29 within the section.

55 30 Code section 68B.32C: Adds the words "chapter 68A, section
55 31 8.7" to the series of references to the Code and rules in the
55 32 second sentence of subsection 3, to conform to a similar
55 33 amendment made to the first sentence in the subsection by 2006
55 34 Acts, ch 1035, section 6.

55 35 Code section 70A.28(6): Clarifies a reference to an action



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56 1 being reviewed by the public employment relations board which
56 2 was taken in regard to a state employee who disclosed
56 3 information regarding possible wrongdoing to provide that the
56 4 action may have been taken in a variety of ways rather than
56 5 only by the person appointing the employee. Also makes a
56 6 corrective grammatical change.

56 7 Code section 80.34: Replaces the outdated term
56 8 "condemnation" with the term "forfeiture" in language relating
56 9 to the seizure and disposition of certain property as part of
56 10 an arrest in a criminal case. This change is consistent with
56 11 the use of terms in various current provisions relating to
56 12 disposition of property seized in criminal cases, including
56 13 Code section 124.506, and Code chapters 809 and 809A.

56 14 Code section 123.53(3): Clarifies language that resulted
56 15 from the 2006 harmonization of amendments to this provision by
56 16 2005 Acts, chapter 176, section 144, and 2006 Acts, chapter
56 17 1010, section 51, to provide that the appropriation is to the
56 18 department of public health for use by the department staff.

56 19 Code section 124.401: Changes the word "or" to "and" in
56 20 language pertaining to coca leaves and the word "and" to "or"
56 21 in language pertaining to cocaine and ecgonine to conform to
56 22 changes made by 2006 Acts, ch 1030, section 12, in provisions
56 23 relating to manufacture, delivery, or possession of controlled
56 24 substances.

56 25 Code sections 124.552, 124.553, 124.554, 124.555, 124.556,
56 26 and 124.558: Changes various forms of the term "prescriber"
56 27 to the corresponding form of "prescribing practitioner" in
56 28 provisions relating to a drug prescribing and dispensing
56 29 information program to conform to a definition of the latter
56 30 term in Code section 124.551.

56 31 Code section 135.22B: Moves, within the brain injury
56 32 services program enabling language, a sentence regarding
56 33 establishment of cost=share component financial eligibility
56 34 requirements from a cost=share component eligibility provision
56 35 to a cost=share requirements provision and renumbers the



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57 1 cost=share requirements provision. A provision relating to an
57 2 individual's financial eligibility is also changed to conform
57 3 to the style of other provisions establishing cost=share
57 4 component eligibility.

57 5 Code section 149.3(4): Updates language regarding the
57 6 applicability of the subsection to coordinate with amendments
57 7 to the subsection in 2006 Acts, chapter 1184, section 91.

57 8 Code section 151.12: Changes the term "license" to
57 9 "certificate" in language permitting the chiropractic
57 10 examiners to issue a temporary certificate to practice
57 11 chiropractic to certain qualified persons.

57 12 Code section 174.2: Changes the word "association" to
57 13 "fair" to conform language relating to compensation of certain
57 14 officers for performance of certain duties with the meaning of
57 15 the balance of the Code section. The officers of the local
57 16 fairs, not the association of Iowa fairs, are the persons who
57 17 attend the statewide convention and association meeting and
57 18 whose duties are being referenced in the Code section.

57 19 Code section 185C.29: Conforms language relating to
57 20 payment of costs from the moneys derived from the state
57 21 assessment on the purchase of corn to the payment of costs and
57 22 deposit of funds language found in Code section 185C.26.

57 23 Code section 210.12: Substitutes a reference to Code
57 24 chapter 191, relating to labeling foods, for a reference to
57 25 the Code chapter relative to labeling foods.

57 26 Code sections 214.6 and 215.26(1): Substitutes references
57 27 to commercial weighing and measuring devices for references to
57 28 public scales, and eliminates an incorrect cross reference, in
57 29 accord with the changes to these definitions made in 2006
57 30 Acts, chapter 1142. The bill also eliminates language in the
57 31 definition of "commercial weighing and measuring device"
57 32 including a "public scale" within the scope of the definition.

57 33 Code section 256.57(1): Eliminates a comma and the word
57 34 "and" to conform language relating to an underlying purpose of
57 35 the enrich Iowa program to language later in the same



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58 1 subsection relating to eligibility of public libraries for
58 2 funds under Code chapter 256.
58 3 Code section 256.57(2)(a) and (5): Substitutes the
58 4 appropriate references to the section for references to
58 5 portions of the section.
58 6 Code sections 260F.10 and 260G.10 (repealed at end of
58 7 bill): Eliminates obsolete references, by repealing these two
58 8 Code sections, to reports that were to be submitted to the
58 9 grow Iowa values board and according to procedures that were
58 10 established in Code sections that were stricken pursuant to
58 11 Rants v. Vilsack, 684 N.W. 2d 193 (Iowa 2004). The
58 12 replacement procedures are in Code section 260C.18A.
58 13 Code section 262.58: Conforms language relating to
58 14 execution and attestation of bonds and notes by the state
58 15 board of regents to very similar language found in Iowa Code
58 16 sections 262A.6 and 263A.4. The language allows the
58 17 attestation to be performed by a member or officer of the
58 18 board who is acting in the place of the executive director of
58 19 the state board of regents.
58 20 Code section 279.34: Strikes obsolete language relating to
58 21 the date after which all motor vehicles purchased by or used
58 22 under the direction of a board of directors of a school
58 23 corporation must operate on ethanol blended gasoline. The
58 24 requirement to purchase or use such vehicles remains.
58 25 Code section 297.14: Adds the words "school attendance
58 26 center" before the word "fence" in a provision relating to
58 27 barbed wire fences at or near school attendance centers. 2006
58 28 Acts, ch 1152, section 47, struck a reference to a provision,
58 29 eliminated in the same bill, that previously made it clear
58 30 that the fences referred to were located around school
58 31 attendance centers.
58 32 Code sections 321.30, 321.40, and 321.101(3): Renumbers
58 33 and makes other technical changes to Code section 321.30 to
58 34 distinguish between department and county actions related to
58 35 motor vehicle registrations and certificates of title based
59 1 upon certain traffic regulation infractions and actions taken
59 2 against motor vehicle registrations only. Duplicate language
59 3 is also eliminated by striking former subsection 14 from Code
59 4 section 321.30 and adding in the words "department or the" in
59 5 Code section 321.40. An internal reference to Code section
59 6 321.30 is corrected in Code section 321.101, subsection 3,
59 7 based upon the renumbering.
59 8 Code section 331.610: Inserts a reference to a provision
59 9 requiring the county recorder to collect certain all-terrain
59 10 vehicle fees in a provision allowing a county board of
59 11 supervisors to direct other county employees to perform
59 12 certain duties if the office of county recorder is abolished.
59 13 Code sections 357A.11, 358.40, and 455B.171: Strikes the
59 14 word "sewer" from the term "sanitary sewer district" to
59 15 conform the term to the term "sanitary district" as that term
59 16 is used to describe the districts established under Code
59 17 chapter 358.
59 18 Code section 357A.22A: Strikes obsolete language requiring
59 19 the legislative council to provide for a review of the
59 20 liability exemption or limitation provided for rural water
59 21 districts or rural water associations no later than July 1,



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59 22 2006. At the June 27, 2005, meeting of the legislative
59 23 council, the studies committee recommended and the council
59 24 approved referral of the review of the liability exemption or
59 25 limitation to the senate committee on natural resources and
59 26 environment and the committee on environmental protection of
59 27 the house of representatives.

59 28 Code section 403.19A: Substitutes the words "of the
59 29 agreement" for the word "its" and substitutes the words
59 30 "created" for the word "employed" in language relating to tax
59 31 withholding agreements made between pilot project cities and
59 32 employers and the issuance of tax credits based upon the
59 33 creation of new jobs created in the project city. An
59 34 additional grammatical change is also made in the section.

59 35 Code section 421.9: Numbers an unnumbered paragraph that



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60 1 follows subsection 3 as a subsection 4, because whereas
60 2 subsection 3 deals with the application and grounds for an
60 3 administrative search warrant to ensure equitable
60 4 administration of state tax law, this paragraph relates to the
60 5 timing of the issuance of an administrative search warrant to
60 6 execute a distress warrant.
60 7 Code section 422.5(2A) and 2006 Iowa Acts, chapter 1112,
60 8 section 2: Strikes "unmarried" preceding "head of household"
60 9 in provisions enacted in 2006 Acts, chapter 1112, sections 1
60 10 and 2, to agree with identical language stricken in 2006 Acts,
60 11 chapter 1158, sections 9 and 10. The provision amending 2006
60 12 Iowa Acts, chapter 1112, takes effect January 1, 2009, to
60 13 coincide with the effective date of the provision in that Act.
60 14 Code sections 422.11N(5)(b) and 422.110(4): Strikes
60 15 language requiring retail dealers to calculate the ethanol and
60 16 E=85 gasoline promotion tax credits twice to agree with the
60 17 subsequent amendments to such provisions which provide another
60 18 optional calculation.
60 19 Code section 422.12I(2): Substitutes a reference to the
60 20 department of administrative services for the department of
60 21 revenue and corrects a reference to the appropriate provisions
60 22 for set-off procedures in accord with identical changes made
60 23 to the other checkoff provisions.
60 24 Code section 423.4(1): Designates a currently unnumbered
60 25 paragraph that is currently part of paragraph "b" as paragraph
60 26 "c" and redesignates paragraphs "c" and "d", because the
60 27 unnumbered paragraph refers to the accrual of interest on
60 28 sales or use tax refunds authorized under all of subsection 1,
60 29 not just paragraph "b".
60 30 Code sections 423A.6 and 423D.4: Updates two references to
60 31 the Code sections from Code section 423.37 to Code section
60 32 423.42 to clarify that the applicability of the Code sections
60 33 listed to taxes authorized under the sales and use Code
60 34 chapter includes Code section 423.42. Internal references
60 35 within Code section 423.42, relating to the Code section's



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61 1 applicability, are consistent with these reference updates.
61 2 Code sections 446.19A, 446.20, and 446.38: Strikes
61 3 obsolete references to supplementary assistance liens under
61 4 Code chapter 249 from Code section 446.20, repeals Code
61 5 section 446.38 which relates to an obsolete procedure for sale
61 6 of property subject to the liens, and eliminates an internal
61 7 reference to Code section 446.38 in Code section 446.19A.
61 8 There are no liens under the supplementary assistance program
61 9 as it exists under current Code chapter 249 and the liens
61 10 under the old age assistance program that was contained under
61 11 former Code chapter 249 were declared void under the
61 12 provisions of Code section 249.10 in 1973 and have all been
61 13 dealt with in Iowa. The words "old age" were incorrectly
61 14 changed to "supplementary" by 2006 Acts, ch 1010, sections 115
61 15 and 116.
61 16 Code section 455B.803(2)(b)(7)(c): Clarifies that
61 17 documentation contained in the database of vehicle recyclers
61 18 who participate in a program for the removal, collection, and
61 19 recovery of mercury-added switches is to contain confirmation
61 20 that the recycler has submitted switches at least once in a
61 21 twelve-month period.
61 22 Code section 459.314B(3): Clarifies that a commercial
61 23 manure service's license may be suspended or revoked for
61 24 knowingly employing or contracting with a person who both acts
61 25 as a commercial manure service representative and is not
61 26 properly certified.
61 27 Code section 459A.401: Conforms the use of a term, in this
61 28 provision relating to discharge of certain solids from an open
61 29 feedlot into state waters, to the term "water of the state"
61 30 that is defined under Code section 459.102.
61 31 Code section 501A.1101: Eliminates language referring to a
61 32 documents officer within this cooperative associations Act
61 33 provision. While the offices of the records officer and the
61 34 financial officer are listed under 501A.716 as required and
61 35 those officers are referred to in numerous other places within



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62 1 this Code chapter, there is no other reference to a documents
62 2 officer in this Code chapter or any other Code section that
62 3 refers to this Code chapter.
62 4 Code section 502.404: Conforms a reference to certain
62 5 investment advisor representatives under the uniform
62 6 securities Act to the term as defined in Code section 502.102
62 7 and used elsewhere in Code chapter 502.
62 8 Code section 504.801(2): Substitutes "chapter" for
62 9 "subchapter" to agree with a reference to "this Act" in the
62 10 model revised nonprofit corporation Act.
62 11 Code section 507.16: Replaces a reference to Code section
62 12 511.16 that, prior to the amendments made by 2004 Acts,
62 13 chapter 1110, section 32, contained language similar to the
62 14 acts described in this Code section as well as a penalty that
62 15 was applicable to those offenses. As a result of the 2004
62 16 amendments, the penalty provision applicable to provisions
62 17 within subtitle 1 of Title XIII, which does include both Code
62 18 chapters 507 and 511, are found in 505.7A.
62 19 Code section 512B.25: Clarifies that a license issued by
62 20 the insurance commissioner to a fraternal benefit society
62 21 terminates on the first day of June following the issuance or
62 22 renewal of the license.
62 23 Code section 533.27: Clarifies a provision referencing
62 24 "such records", which referred to the records described in
62 25 Code section 533.26, by striking the word "such". A clause
62 26 added to Code section 533.27 in 2006 Acts, chapter 1040,
62 27 section 6, excepted certain records from the section's
62 28 provisions.
62 29 Code section 533A.2: Moves language relating to documents
62 30 that are to be filed with an application for a license to
62 31 engage in the business of debt management if the applicant is
62 32 not a natural person, from a provision relating to the
62 33 contents of the application to preliminary language governing
62 34 the filing and form of the license application.
62 35 Code section 533A.5: Adds the word "annually" to clarify



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63 1 that the license application is to be filed on or before June
63 2 1 of each year. This is consistent with the expiration date
63 3 language in Code section 533A.4.
63 4 Code section 533A.9A: Inserts the word "deducted" to
63 5 complete a series of items from which a donation to a debt
63 6 manager may not be deducted.
63 7 Code section 617.3: Corrects a reference to a court rule
63 8 form for an original notice of suit.
63 9 Code section 622.31: Clarifies that the section's
63 10 provisions apply to actions against persons in a profession
63 11 regulated by one of the examining boards listed in Code
63 12 chapter 272C or in any other licensed profession.
63 13 Code section 622A.1: Updates the definitions provision in
63 14 the interpreters in legal proceedings Code chapter to include
63 15 a definition of the term "administrative agency". The
63 16 definition is identical to a definition of the same term in
63 17 Code chapter 622B, entitled "Deaf and hard-of-hearing
63 18 persons==interpreters", and the defined term is used in both
63 19 Code chapters to refer to the same types of proceedings before
63 20 the same types of agencies.
63 21 Code section 627.6(9): Divides the subsection into two
63 22 subsections and strikes the phrase "in the aggregate" in
63 23 reference to the debtor's interest in one motor vehicle valued
63 24 at \$7,000 or less.
63 25 Code section 654.15A: Clarifies that a junior creditor's
63 26 request for notice of a sheriff's sale, rather than the notice
63 27 itself, shall include a fax number or e-mail address where the
63 28 creditor shall be notified.
63 29 Code section 654.17: Replaces an incorrect instance of the
63 30 use of the term "foreclosure" with a reference to "mortgage
63 31 loan" to conform to the sense and meaning of an earlier
63 32 portion of the sentence in this provision relating to the
63 33 rescission of a foreclosure action and the return of the parties
63 34 to their original status under the terms of the mortgage loan.
63 35 Code section 655A.3: Makes a grammatical change to clarify



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64 1 that the lis pendens (the court's jurisdiction) is effective
64 2 against third party claims and the affected property
64 3 commencing upon the filing of proof of service of the written
64 4 notice of nonjudicial foreclosure and terminates under the
64 5 stated conditions.
64 6 Code section 723.5(1)(b): Substitutes the verb "use" for
64 7 "direct" for grammatical correctness in a provision
64 8 prohibiting certain acts near a funeral or memorial service.
64 9 Code section 726.6(7): Adds a reference to a subsection
64 10 providing a specific child endangerment penalty for child
64 11 endangerment resulting in death in a provision providing a
64 12 catch-all penalty for commission of child endangerment that is
64 13 not subject to another specific penalty.
64 14 Code sections 802.2 and 802.10: Restructures the language
64 15 used to agree with the definition of "identified" in regard to
64 16 identification of a person by DNA and for grammatical
64 17 correctness.
64 18 LSB 1584HC 82
64 19 lh:rj/je/5



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House Study Bill 196

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 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 1585HC 82
- 5 lh/es/88



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1 1 Section 1. Section 6B.14, unnumbered paragraph 2, Code
1 2 2007, is amended to read as follows:
1 3 Prior to the meeting of the commission, the commission or a
1 4 commissioner shall not communicate with the applicant,
1 5 property owner, or tenant, or their agents, regarding the
1 6 condemnation proceedings. The commissioners shall meet in
1 7 open session to view the property and to receive evidence, but
1 8 may deliberate in closed session. When deliberating in closed
1 9 session, the meeting is closed to all persons who are not
1 10 commissioners except for personnel from the sheriff's office
1 11 if such personnel is requested by the commission. After
1 12 deliberations commence, the commission and each commissioner
1 13 is prohibited from communicating with any party to the
1 14 proceeding. However, if the commission is deliberating in
1 15 closed session, and after deliberations commence the
1 16 commission requires further information from a party or a
1 17 witness, the commission shall notify the property owner and
1 18 the acquiring agency that they are allowed to attend the
1 19 meeting at which such additional information shall be provided
1 20 but only for that period of time during which the additional
1 21 information is being provided. The property owner and the
1 22 acquiring agency shall be given a reasonable opportunity to
1 23 attend the meeting. The commission shall keep minutes of all
1 24 its meetings showing the date, time, and place, the members
1 25 present, and the action taken at each meeting. The minutes
1 26 shall show the results of each vote taken and information
1 27 sufficient to indicate the vote of each member present. The
1 28 vote of each member present shall be made public at the open
1 29 session. The minutes shall be public records open to public
1 30 inspection.
1 31 Sec. 2. Section 8.6, subsection 15, unnumbered paragraph
1 32 1, Code 2007, is amended to read as follows:
1 33 ~~Designate~~ To designate a position within the department to
1 34 serve as the executive branch's risk management coordinator.
1 35 The risk management coordinator shall have all of the



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2 1 following responsibilities:

2 2 Sec. 3. Section 8A.415, subsection 2, unnumbered paragraph
2 3 1, Code 2007, is amended to read as follows:

2 4 A merit system employee, except an employee covered by a
2 5 collective bargaining agreement, who is discharged, suspended,
2 6 demoted, or otherwise ~~reduced~~ receives a reduction in pay,
2 7 except during the employee's probationary period, may bypass
2 8 steps one and two of the grievance procedure and appeal the
2 9 disciplinary action to the director within seven calendar days
2 10 following the effective date of the action. The director
2 11 shall respond within thirty calendar days following receipt of
2 12 the appeal.

2 13 Sec. 4. Section 11.36, Code 2007, is amended to read as
2 14 follows:

2 15 11.36 REVIEW OF ENTITIES RECEIVING PUBLIC MONEYS.

2 16 1. The auditor of state may, at the request of a
2 17 department, review, during normal business hours upon
2 18 reasonable notice of at least twenty-four hours, the audit
2 19 working papers prepared by a certified public accountant
2 20 covering the receipt and expenditure of state or federal funds
2 21 provided by the department to any other entity to determine if
2 22 the receipt and expenditure of those funds by the entity is
2 23 consistent with the laws, rules, regulations, and contractual
2 24 agreements governing those funds. Upon completion of the
2 25 review, the auditor of state shall report whether, in the
2 26 auditor of state's judgment, the auditor of state believes the
2 27 certified public accountant's working papers adequately
2 28 demonstrate that the laws, rules, regulations, and contractual
2 29 agreements governing the funds have been substantially
2 30 complied with. If the auditor of state does not believe the
2 31 certified public accountant's working papers adequately
2 32 demonstrate that the laws, rules, regulations, and contractual
2 33 agreements have been substantially complied with or believes a
2 34 complete or partial reaudit is necessary based on the
2 35 provisions of section 11.6, subsection 4, paragraph "a" or



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3 1 "b", the auditor of state shall notify the certified public
3 2 accountant and the department of the actions the auditor of
3 3 state believes are necessary to determine ~~that~~ whether the
3 4 entity is in substantial compliance with those laws, rules,
3 5 regulations, and contractual agreements. The auditor of state
3 6 may assist departments with actions to determine ~~that~~ whether
3 7 the entity is in substantial compliance. Departments
3 8 requesting the review shall reimburse the auditor of state for
3 9 the cost of the review and any subsequent assistance provided
3 10 by the auditor of state.

3 11 2. The auditor of state may, at the request of a
3 12 department, review the records covering the receipt and
3 13 expenditure of state or federal funds provided by the
3 14 department to any other entity which has not been audited by a
3 15 certified public accountant to determine if the receipt and
3 16 expenditure of those funds by the entity is consistent with
3 17 the laws, rules, regulations, and contractual agreements
3 18 governing those funds. Upon completion of the review, the
3 19 auditor of state shall report whether, in the auditor of
3 20 state's judgment, the auditor of state believes the entity
3 21 adequately demonstrated that the laws, rules, regulations, and
3 22 contractual agreements governing the funds have been
3 23 substantially complied with. If the auditor of state does not
3 24 believe the entity adequately demonstrated that the laws,
3 25 rules, regulations, and contractual agreements have been
3 26 substantially complied with, the auditor of state shall notify
3 27 the department of the actions the auditor of state believes
3 28 are necessary to determine ~~that~~ whether the entity is in
3 29 substantial compliance with those laws, rules, regulations,
3 30 and contractual agreements. The auditor of state may assist a
3 31 department with actions to determine ~~that~~ whether the entity
3 32 is in substantial compliance. Departments requesting the
3 33 review shall reimburse the auditor of state for the cost of
3 34 the review and any subsequent assistance provided by the
3 35 auditor of state.



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4 1 3. When, in the auditor of state's judgment, the auditor
4 2 of state finds that sufficient information is available to
4 3 demonstrate that an entity receiving state or federal funds
4 4 from a department may not have substantially complied with the
4 5 laws, rules, regulations, and contractual agreements governing
4 6 those funds, the auditor of state shall notify the department
4 7 providing those funds to the entity of the auditor of state's
4 8 finding. The department shall cooperate with the auditor of
4 9 state to establish actions to be taken to determine whether
4 10 substantial compliance with those laws, rules, regulations,
4 11 and contractual agreements has been achieved by the entity
4 12 receiving the state or federal funds from the department.
4 13 Departments providing the state or federal funds shall
4 14 reimburse the auditor of state for any actions taken by the
4 15 auditor of state to determine whether the entity has
4 16 substantially complied with the laws, rules, regulations, and
4 17 contractual agreements governing the funds provided by the
4 18 department for costs expended after the date the auditor of
4 19 state notifies the department of an issue involving
4 20 substantial compliance pursuant to the requirements of this
4 21 subsection.

4 22 Sec. 5. Section 12.76, Code 2007, is amended to read as
4 23 follows:

4 24 12.76 LIMITATIONS.

4 25 Bonds or notes issued pursuant to section 12.71 are not
4 26 debts of the state, or of any political subdivision of the
4 27 state, and do not constitute a pledge of the faith and credit
4 28 of the state or a charge against the general credit or general
4 29 fund of the state. The issuance of any bonds or notes
4 30 pursuant to section 12.71 by the treasurer of state does not
4 31 directly, indirectly, or contingently obligate the state or a
4 32 political subdivision of the state to apply moneys from, or to
4 33 levy or pledge any form of taxation whatever, to, the payment
4 34 of the bonds or notes. Bonds and notes issued under section
4 35 12.71 are payable solely and only from the sources and special



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5 1 fund provided in section 12.72.

5 2 Sec. 6. Section 12.91, subsection 16, Code 2007, is
5 3 amended to read as follows:

5 4 16. Bonds issued pursuant to this section are not debts of
5 5 the state, or of any political subdivision of the state, and
5 6 do not constitute a pledge of the faith and credit of the
5 7 state or a charge against the general credit or general fund
5 8 of the state. The issuance of any bonds pursuant to this
5 9 section by the treasurer of state does not directly,
5 10 indirectly, or contingently obligate the state or a political
5 11 subdivision of the state to apply moneys from, or to levy or
5 12 pledge any form of taxation whatever, to, the payment of the
5 13 bonds. Bonds issued under this section are payable solely and
5 14 only from the sources and special fund provided in this
5 15 section.

5 16 Sec. 7. Section 13B.4, subsection 4, paragraph d,
5 17 subparagraph (8), Code 2007, is amended to read as follows:

5 18 (8) ~~Any~~ If the state public defender is not first notified
5 19 and given an opportunity to be heard, any court order entered
5 20 after the state public defender has taken action on a claim,
5 21 which affects that claim, without first notifying the state
~~5 22 public defender and permitting the state public defender an~~
~~5 23 opportunity to be heard, is void.~~

5 24 Sec. 8. Section 15.318, subsection 16, Code 2007, is
5 25 amended to read as follows:

5 26 16. In cases where projects being reviewed at the same
5 27 time are given equivalent ratings under subsections 1 through
5 28 15, preference in funding shall be given to the project which
5 29 is located in the county which has the highest percentage of
5 30 ~~low=~~ low=income and moderate=income individuals. If the
5 31 projects are located in the same county, preference in funding
5 32 shall be given to the project which is located in the city
5 33 which has the highest percentage of ~~low=~~ low=income and
5 34 moderate=income individuals.

5 35 Sec. 9. Section 15I.3, subsection 1, Code 2007, is amended



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6 1 to read as follows:

6 2 1. In order for a ~~wage=benefit~~ wage=benefits tax credit to
6 3 be claimed, the business shall submit an application to the
6 4 department along with information on the qualified new job or
6 5 retained qualified new job and any other information required.
6 6 Applications for approval of the tax credit shall be on forms
6 7 approved by the department. Within forty=five days of receipt
6 8 of the application, the department shall either approve or
6 9 disapprove the application. After the forty=five=day limit,
6 10 the application is deemed approved.

6 11 Sec. 10. Section 16.2, Code 2007, is amended to read as
6 12 follows:

6 13 16.2 ESTABLISHMENT OF AUTHORITY == TITLE GUARANTY
6 14 DIVISION.

6 15 1. The Iowa finance authority is established, and
6 16 constituted a public instrumentality and agency of the state
6 17 exercising public and essential governmental functions, to
6 18 undertake programs which assist in attainment of adequate
6 19 housing for low or moderate income families, elderly families,
6 20 and families which include one or more persons with
6 21 disabilities, and to undertake the Iowa homesteading program,
6 22 the small business loan program, the export business finance
6 23 program, and other finance programs. The powers of the
6 24 authority are vested in and shall be exercised by a board of
6 25 nine members appointed by the governor subject to confirmation
6 26 by the senate. No more than five members shall belong to the
6 27 same political party. As far as possible, the governor shall
6 28 include within the membership persons who represent community
6 29 and housing development industries, housing finance
6 30 industries, the real estate sales industry, elderly families,
6 31 minorities, lower income families, very low income families,
6 32 families which include persons with disabilities, average
6 33 taxpayers, local government, business and international trade
6 34 interests, and any other person specially interested in
6 35 community housing, finance, small business, or export business



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7 1 development.
7 2 2. A title guaranty division is created within the
7 3 authority. The powers of the division relating to the
7 4 issuance of title guaranties are vested in and shall be
7 5 exercised by a division board of five members appointed by the
7 6 governor subject to confirmation by the senate. The
7 7 membership of the board shall include an attorney, an
7 8 abstractor, a real estate broker, a representative of a
7 9 mortgage=lender, and a representative of the housing
7 10 development industry. The executive director of the authority
7 11 shall appoint an attorney as director of the title guaranty
7 12 division who shall serve as an ex officio member of the board.
7 13 The appointment of and compensation for the division director
7 14 are exempt from the merit system provisions of chapter 8A,
7 15 subchapter IV.
7 16 a. Members of the board of the division shall be appointed
7 17 by the governor for staggered terms of six years beginning and
7 18 ending as provided in section 69.19. A person shall not serve
7 19 on the division board while serving on the authority board. A
7 20 person appointed to fill a vacancy shall serve only for the
7 21 unexpired portion of the term. A member is eligible for
7 22 reappointment. A member of the division board may be removed
7 23 from office by the governor for misfeasance, malfeasance, or
7 24 willful neglect of duty or for other just cause, after notice
7 25 and hearing, unless notice and hearing is expressly waived in
7 26 writing.
7 27 b. Three members of the board shall constitute a quorum.
7 28 An affirmative vote of a majority of the appointed members is
7 29 necessary for any substantive action taken by the division.
7 30 c. Members of the board are entitled to receive a per diem
7 31 as specified in section 7E.6 for each day spent in performance
7 32 of duties as members and shall be reimbursed for all actual
7 33 and necessary expenses incurred in the performance of duties
7 34 as members.
7 35 d. Members of the board and the director shall give bond



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8 1 as required for public officers in chapter 64.

8 2 e. Meetings of the board shall be held at the call of the
8 3 chair of the board or on written request of two members.

8 4 f. Members shall elect a chair and vice chair annually and
8 5 other officers as they determine. The director shall serve as
8 6 secretary to the board.

8 7 g. The net earnings of the division, beyond that necessary
8 8 for reserves, backing, guaranties issued or to otherwise
8 9 implement the public purposes and programs authorized, shall
8 10 not inure to the benefit of any person other than the state
8 11 and are subject to subsection ~~8~~ 9.

8 12 ~~2.~~ 3. Members of the authority shall be appointed by the
8 13 governor for staggered terms of six years beginning and ending
8 14 as provided in section 69.19. A person appointed to fill a
8 15 vacancy shall serve only for the unexpired portion of the
8 16 term. A member is eligible for reappointment. A member of
8 17 the authority may be removed from office by the governor for
8 18 misfeasance, malfeasance, or willful neglect of duty or other
8 19 just cause, after notice and hearing, unless the notice and
8 20 hearing is expressly waived in writing.

8 21 ~~3.~~ 4. Five members of the authority constitute a quorum
8 22 and the affirmative vote of a majority of the appointed
8 23 members is necessary for any substantive action taken by the
8 24 authority. The majority shall not include any member who has
8 25 a conflict of interest and a statement by a member of a
8 26 conflict of interest shall be conclusive for this purpose. A
8 27 vacancy in the membership does not impair the right of a
8 28 quorum to exercise all rights and perform all duties of the
8 29 authority.

8 30 ~~4.~~ 5. Members of the authority are entitled to receive a
8 31 per diem as specified in section 7E.6 for each day spent in
8 32 performance of duties as members, and shall be reimbursed for
8 33 all actual and necessary expenses incurred in the performance
8 34 of duties as members.

8 35 ~~5.~~ 6. Members of the authority and the executive director
9 1 shall give bond as required for public officers in chapter 64.

9 2 ~~6.~~ 7. Meetings of the authority shall be held at the call
9 3 of the chairperson or whenever two members so request.

9 4 ~~7.~~ 8. Members shall elect a chairperson and vice
9 5 chairperson annually, and other officers as they determine,
9 6 but the executive director shall serve as secretary to the
9 7 authority.

9 8 ~~8.~~ 9. The net earnings of the authority, beyond that
9 9 necessary for retirement of its notes, bonds or other
9 10 obligations, or to implement the public purposes and programs
9 11 herein authorized, shall not inure to the benefit of any
9 12 person other than the state. Upon termination of the
9 13 existence of the authority, title to all property owned by the
9 14 authority, including any such net earnings of the authority,
9 15 shall vest in the state. The state reserves the right at any
9 16 time to alter, amend, repeal, or otherwise change the
9 17 structure, organization, programs, or activities of the
9 18 authority, including the power to terminate the authority,
9 19 except that no law shall ever be passed impairing the
9 20 obligation of any contract or contracts entered into by the
9 21 authority to the extent that any such law would contravene



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9 22 Article I, section 21, of the Constitution of the State of
9 23 Iowa or Article I, section 10, of the Constitution of the
9 24 United States.

9 25 Sec. 11. Section 21.8, subsection 1, paragraph c, Code
9 26 2007, is amended to read as follows:

9 27 c. Minutes are kept of the meeting. The minutes shall
9 28 include a statement explaining why a meeting in person was
9 29 impossible or impractical.

~~9 30 The minutes shall include a statement explaining why a~~
~~9 31 meeting in person was impossible or impractical.~~

9 32 Sec. 12. Section 29A.101A, subsection 5, Code 2007, is
9 33 amended to read as follows:

9 34 5. Rents or lease amounts unpaid for the period preceding
9 35 the effective date of the lease termination shall be paid on a



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10 1 prorated basis. In the case of a vehicle lease, the lessor
10 2 ~~may~~ shall not impose an early termination charge, but any
10 3 taxes, summonses, and title and registration fees and any
10 4 other obligation and liability of the lessee in accordance
10 5 with the terms of the lease, including reasonable charges to
10 6 the lessee for excess wear, use, and mileage, that are due and
10 7 unpaid at the time of termination of the lease shall be paid
10 8 by the lessee.

10 9 Sec. 13. Section 29B.18, subsection 1, Code 2007, is
10 10 amended to read as follows:

10 11 1. a. Subject to section 29B.16, special courts=martial
10 12 have jurisdiction to try persons subject to this code for any
10 13 offense for which they may have been punished under this code
10 14 and may, under such limitations as the adjutant general may
10 15 impose by rule, adjudge any one or a combination of the
10 16 following punishments:

10 17 ~~a.~~ (1) A fine not exceeding one hundred dollars.

10 18 ~~b.~~ (2) Forfeiture of pay and allowances not exceeding one
10 19 thousand dollars.

10 20 ~~c.~~ (3) A reprimand.

10 21 ~~d.~~ (4) Dismissal or dishonorable discharge.

10 22 ~~e.~~ (5) Reduction of a noncommissioned officer to the
10 23 ranks.

10 24 b. A special courts=martial shall not try a commissioned
10 25 officer.

10 26 Sec. 14. Section 36.3, subsection 3 and unnumbered
10 27 paragraph 2, Code 2007, are amended to read as follows:

10 28 3. Conduct epidemiological investigations of veterans who
10 29 have cancer or other medical problems or who have children
10 30 born with birth defects associated with exposure to chemicals,
10 31 in consultation and cooperation with a certified medical
10 32 toxicologist selected by the department. The department shall
10 33 obtain consent from a veteran before conducting the
10 34 investigations. The department shall cooperate with local and
10 35 state agencies during the course of an investigation.



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11 1 ~~The department shall cooperate with local and state~~
~~11 2 agencies during the course of an investigation.~~
11 3 Sec. 15. Section 68B.37, subsections 1 and 2, Code 2007,
11 4 are amended to read as follows:
11 5 1. A lobbyist before the general assembly shall file with
11 6 the general assembly, on forms prescribed by each house of the
11 7 general assembly, a report disclosing all of the following:
11 8 a. The lobbyist's clients before the general assembly.
11 9 b. Contributions made to candidates for state office by
11 10 the lobbyist during calendar months during the reporting
11 11 period when the general assembly is not in session.
11 12 c. The recipient of the campaign contributions.
11 13 d. Expenditures made by the lobbyist for the purposes of
11 14 providing the services enumerated under section 68B.2,
11 15 subsection 13, paragraph "a", before the general assembly.
11 16 For purposes of this paragraph, "expenditures" does not
11 17 include expenditures made by any organization for publishing a
11 18 newsletter or other informational release for its members.
~~11 19 For purposes of this subsection, "expenditures" does not~~
~~11 20 include expenditures made by any organization for publishing a~~
~~11 21 newsletter or other informational release for its members.~~
11 22 2. A lobbyist before a state agency or the office of the
11 23 governor shall file with the board, on forms prescribed by the
11 24 board, a report disclosing all of the following:
11 25 a. The lobbyist's clients before the executive branch.
11 26 b. Contributions made to candidates for state office by
11 27 the lobbyist during calendar months during the reporting
11 28 period when the general assembly is not in session.
11 29 c. The recipient of the campaign contributions.
11 30 d. Expenditures made by the lobbyist for the purposes of
11 31 providing the services enumerated under section 68B.2,
11 32 subsection 13, paragraph "a", before the executive branch.
11 33 For purposes of this paragraph, "expenditures" does not
11 34 include expenditures made by any organization for publishing a
11 35 newsletter or other informational release for its members.



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12 1 ~~For purposes of this subsection, "expenditures" does not~~
12 2 ~~include expenditures made by any organization for publishing a~~
12 3 ~~newsletter or other informational release for its members.~~

12 4 Sec. 16. Section 69.15, Code 2007, is amended to read as
12 5 follows:

12 6 69.15 BOARD MEMBERS == NONATTENDANCE == VACANCY.

12 7 1. Any person who has been appointed by the governor to
12 8 any board under the laws of this state shall be deemed to have
12 9 submitted a resignation from such office if either of the
12 10 following events occurs:

12 11 ~~1.~~ a. The person does not attend three or more consecutive
12 12 regular meetings of such board. This paragraph does not apply
12 13 unless the first and last of the consecutive meetings counted
12 14 for this purpose are at least thirty days apart.

12 15 ~~2.~~ b. The person attends less than one-half of the regular
12 16 meetings of such board within any period of twelve calendar
12 17 months beginning on July 1 or January 1. This paragraph does
12 18 not apply unless such board holds at least four regular
12 19 meetings during such period. This paragraph applies only to
12 20 such a period beginning on or after the date when the person
12 21 takes office as a member of such board.

12 22 2. If such person received no notice and had no knowledge
12 23 of a regular meeting and gives the governor a sworn statement
12 24 to that effect within ten days after the person learns of the
12 25 meeting, such meeting shall not be counted for the purposes of
12 26 this section.

12 27 3. The governor in the governor's discretion may accept or
12 28 reject such resignation. If the governor accepts it, the
12 29 governor shall notify such person, in writing, that the
12 30 resignation is accepted pursuant to this section. The
12 31 governor shall then make another appointment to such office.
12 32 Such appointment shall be made in the same manner and for the
12 33 same term as in the case of other vacancies caused by
12 34 resignation from such office.

12 35 4. As used in this section, "board" includes any



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13 1 commission, committee, agency, or governmental body which has
13 2 three or more members.

13 3 Sec. 17. Section 72.5, subsection 2, Code 2007, is amended
13 4 to read as follows:

13 5 2. The director of the department of natural resources in
13 6 consultation with the department of management, state building
13 7 code commissioner, and state fire marshal, shall develop
13 8 standards and methods to evaluate design development documents
13 9 and construction documents based upon life cycle cost factors
13 10 to facilitate fair and uniform comparisons between design
13 11 proposals and informed decision making by public bodies.

13 12 Sec. 18. Section 80B.11, Code 2007, is amended to read as
13 13 follows:

13 14 80B.11 RULES.

13 15 1. The director of the academy, subject to the approval of
13 16 the council, shall promulgate rules in accordance with the
13 17 provisions of this chapter and chapter 17A, giving due
13 18 consideration to varying factors and special requirements of
13 19 law enforcement agencies relative to the following:

13 20 ~~1.~~ a. Minimum entrance requirements, course of study,
13 21 attendance requirements, and equipment and facilities required
13 22 at approved law enforcement training schools. Minimum age
13 23 requirements for entrance to approved law enforcement training
13 24 schools shall be eighteen years of age. Minimum course of
13 25 study requirements shall include a separate domestic abuse
13 26 curriculum, which may include, but is not limited to, outside
13 27 speakers from domestic abuse shelters and crime victim
13 28 assistance organizations. Minimum course of study
13 29 requirements shall also include a sexual assault curriculum.

13 30 ~~2.~~ b. Minimum basic training requirements law enforcement
13 31 officers employed after July 1, 1968, must complete in order
13 32 to remain eligible for continued employment and the time
13 33 within which such basic training must be completed. Minimum
13 34 requirements shall mandate training devoted to the topic of
13 35 domestic abuse and sexual assault. The council shall submit



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14 1 an annual report to the general assembly by January 15 of each
14 2 year relating to the continuing education requirements devoted
14 3 to the topic of domestic abuse, including the number of hours
14 4 required, the substance of the classes offered, and other
14 5 related matters.

14 6 ~~3. c.~~ (1) Categories or classifications of advanced
14 7 in-service training program and minimum courses of study and
14 8 attendance requirements for such categories or
14 9 classifications.

14 10 (2) In-service training under this ~~subsection~~ paragraph
14 11 "c" shall include the requirement that by December 31, 1994,
14 12 all law enforcement officers complete a course on
14 13 investigation, identification, and reporting of public
14 14 offenses based on the race, color, religion, ancestry,
14 15 national origin, political affiliation, sex, sexual
14 16 orientation, age, or disability of the victim. The director
14 17 shall consult with the civil rights commission, the department
14 18 of public safety, and the prosecuting attorneys training
14 19 coordinator in developing the requirements for this course and
14 20 may contract with outside providers for this course.

14 21 ~~4. d.~~ Within the existing curriculum, expanded training
14 22 regarding racial and cultural awareness and dealing with
14 23 gang-affected youth.

14 24 ~~5. e.~~ Training standards on the subject of human
14 25 trafficking, to include curricula on cultural sensitivity and
14 26 the means to deal effectively and appropriately with
14 27 trafficking victims. Such training shall encourage law
14 28 enforcement personnel to communicate in the language of the
14 29 trafficking victims. The course of instruction and training
14 30 standards shall be developed by the director in consultation
14 31 with the appropriate national and state experts in the field
14 32 of human trafficking.

14 33 ~~6. f.~~ Minimum standards of physical, educational, and
14 34 moral fitness which shall govern the recruitment, selection,
14 35 and appointment of law enforcement officers.



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15 1 ~~7.~~ g. Minimum standards of mental fitness which shall
15 2 govern the initial recruitment, selection, and appointment of
15 3 law enforcement officers. The rules shall include, but are
15 4 not limited to, providing a battery of psychological tests to
15 5 determine cognitive skills, personality characteristics, and
15 6 suitability of an applicant for a law enforcement career.
15 7 However, this battery of tests need only be given to
15 8 applicants being considered in the final selection process for
15 9 a law enforcement position. Notwithstanding any provision of
15 10 chapter 400, an applicant shall not be hired if the employer
15 11 determines from the tests that the applicant does not possess
15 12 sufficient cognitive skills, personality characteristics, or
15 13 suitability for a law enforcement career. The director of the
15 14 academy shall provide for the cognitive and psychological
15 15 examinations and their administration to the law enforcement
15 16 agencies or applicants, and shall identify and procure persons
15 17 who can be hired to interpret the examinations.

15 18 ~~8.~~ h. Grounds for revocation or suspension of a law
15 19 enforcement officer's certification.

15 20 ~~9.~~ i. Exemptions from particular provisions of this
15 21 chapter in case of any state, county, or city, if, in the
15 22 opinion of the council, the standards of law enforcement
15 23 training established and maintained by the governmental agency
15 24 are as high or higher than those established pursuant to this
15 25 chapter; or revocation in whole or in part of such exemption,
15 26 if in its opinion the standards of law enforcement training
15 27 established and maintained by the governmental agency are
15 28 lower than those established pursuant to this chapter.

15 29 ~~10.~~ j. Minimum qualifications for instructors in
15 30 telecommunicator training schools.

15 31 ~~11.~~ k. Minimum qualifications for instructors in law
15 32 enforcement and jailer training schools.

15 33 ~~12.~~ l. Certification through examination for individuals
15 34 who have successfully completed the federal bureau of
15 35 investigation national academy, have corrected Snellen vision



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16 1 in both eyes of 20/20 or better, and were employed on or
16 2 before January 1, 1996, as chief of police of a city in this
16 3 state with a population of twenty thousand or more.
16 4 2. A certified course of instruction provided for under
16 5 this section which occurs at a location other than at the
16 6 central training facility of the Iowa law enforcement academy
16 7 shall not be eliminated by the Iowa law enforcement academy.
16 8 Sec. 19. Section 80B.13, subsection 8, unnumbered
16 9 paragraph 1, Code 2007, is amended to read as follows:
16 10 Revoke a law enforcement officer's certification for the
16 11 conviction of a felony or revoke or suspend a law enforcement
16 12 officer's certification for a violation of rules adopted
16 13 pursuant to section 80B.11, subsection § 1, paragraph "h". In
16 14 addition the council may consider revocation or suspension
16 15 proceedings when an employing agency recommends to the council
16 16 that revocation or suspension would be appropriate with regard
16 17 to a current or former employee. If a law enforcement officer
16 18 resigns, the employing agency shall notify the council that an
16 19 officer has resigned and state the reason for the resignation
16 20 if a substantial likelihood exists that the reason would
16 21 result in the revocation or suspension of an officer's
16 22 certification for a violation of the rules.
16 23 Sec. 20. Section 85.27, subsection 3, Code 2007, is
16 24 amended to read as follows:
16 25 3. Notwithstanding section 85.26, subsection 4, charges
16 26 believed to be excessive or unnecessary may be referred by the
16 27 employer, insurance carrier, or health service provider to the
16 28 workers' compensation commissioner for determination, and the
16 29 commissioner may utilize the procedures provided in sections
16 30 86.38 and 86.39, or set by rule, and conduct such inquiry as
16 31 the commissioner deems necessary. Any health service provider
16 32 charges not in dispute shall be paid directly to the health
16 33 service provider prior to utilization of procedures provided
16 34 in sections 86.38 and 86.39 or set by rule. A health service
16 35 provider rendering treatment to an employee whose injury is



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17 1 compensable under this section agrees to be bound by such
17 2 charges as allowed by the workers' compensation commissioner
17 3 and shall not recover in law or equity any amount in excess of
17 4 charges set by the commissioner. When a dispute under this
17 5 chapter, ~~chapter 85~~, 85A, or chapter 85B regarding
17 6 reasonableness of a fee for medical services arises between a
17 7 health service provider and an employer or insurance carrier,
17 8 the health service provider, employer, or insurance carrier
17 9 shall not seek payment from the injured employee.

17 10 Sec. 21. Section 85.61, subsections 11, 12, and 13, Code
17 11 2007, are amended to read as follows:

17 12 11. a. "Worker" or "employee" means a person who has
17 13 entered into the employment of, or works under contract of
17 14 service, express or implied, or apprenticeship, for an
17 15 employer; an executive officer elected or appointed and
17 16 empowered under and in accordance with the charter and bylaws
17 17 of a corporation, including a person holding an official
17 18 position, or standing in a representative capacity of the
17 19 employer; an official elected or appointed by the state, or a
17 20 county, school district, area education agency, municipal
17 21 corporation, or city under any form of government; a member of
17 22 the state patrol; a conservation officer; and a proprietor,
17 23 limited liability company member, limited liability partner,
17 24 or partner who elects to be covered pursuant to section 85.1A,
17 25 except as specified in this chapter.

17 26 b. "Worker" or "employee" includes an inmate as defined in
17 27 section 85.59 and a person described in section 85.60.

17 28 c. "Worker" or "employee" includes an emergency medical
17 29 care provider as defined in section 147A.1, a volunteer
17 30 emergency rescue technician as defined in section 147A.1, a
17 31 volunteer ambulance driver, or an emergency medical technician
17 32 trainee, only if an agreement is reached between such worker
17 33 or employee and the employer for whom the volunteer services
17 34 are provided that workers' compensation coverage under this
17 35 chapter and chapters ~~85~~, 85A~~7~~ and 85B is to be provided by the



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18 1 employer. An emergency medical care provider or volunteer
18 2 emergency rescue technician who is a worker or employee under
18 3 this paragraph is not a casual employee. "Volunteer ambulance
18 4 driver" means a person performing services as a volunteer
18 5 ambulance driver at the request of the person in charge of a
18 6 fire department or ambulance service of a municipality.
18 7 "Emergency medical technician trainee" means a person enrolled
18 8 in and training for emergency medical technician
18 9 certification.

18 10 d. "Worker" or "employee" includes a real estate agent who
18 11 does not provide the services of an independent contractor.
18 12 For the purposes of this paragraph "d", a real estate agent is
18 13 an independent contractor if the real estate agent is licensed
18 14 by the Iowa real estate commission as a salesperson and both
18 15 of the following apply:

18 16 ~~a.~~ (1) Seventy-five percent or more of the remuneration,
18 17 whether or not paid in cash, for the services performed by the
18 18 individual as a real estate salesperson is derived from one
18 19 company and is directly related to sales or other output,
18 20 including the performance of services, rather than to the
18 21 number of hours worked.

18 22 ~~b.~~ (2) The services performed by the individual are
18 23 performed pursuant to a written contract between the
18 24 individual and the person for whom the services are performed,
18 25 and the contract provides that the individual will not be
18 26 treated as an employee with respect to the services for state
18 27 tax purposes.

18 28 e. "Worker" or "employee" includes a student enrolled in a
18 29 public school corporation or accredited nonpublic school who
18 30 is participating in a school-to-work program that includes,
18 31 but is not limited to, the components provided for in section
18 32 258.10, subsection 2, paragraphs "a" through "f". "Worker" or
18 33 "employee" also includes a student enrolled in a community
18 34 college as defined in section 260C.2, who is participating in
18 35 a school-to-work program that includes, but is not limited to,
19 1 the components provided for in section 258.10, subsection 2,
19 2 paragraphs "a" through "f", and that is offered by the
19 3 community college pursuant to a contractual agreement with a
19 4 school corporation or accredited nonpublic school to provide
19 5 the program.

19 6 ~~12.~~ f. The term "worker" or "employee" shall include the
19 7 singular and plural. Any reference to a worker or employee
19 8 who has been injured shall, when such worker or employee is
19 9 dead, include the worker's or employee's dependents as herein
19 10 defined or the worker's or employee's legal representatives;
19 11 and where the worker or employee is a minor or incompetent, it
19 12 shall include the minor's or incompetent's guardian, next
19 13 friend, or trustee. Notwithstanding any law prohibiting the
19 14 employment of minors, all minor employees shall be entitled to
19 15 the benefits of this chapter and chapters 86 and 87 regardless
19 16 of the age of such minor employee.

19 17 ~~13.~~ g. The following persons shall not be deemed "workers"
19 18 or "employees":

19 19 ~~a.~~ (1) A person whose employment is purely casual and not
19 20 for the purpose of the employer's trade or business except as
19 21 otherwise provided in section 85.1.



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19 22 ~~b.~~ (2) An independent contractor.
19 23 ~~e.~~ (3) An owner=operator who, as an individual or partner,
19 24 or shareholder of a corporate owner=operator, owns a vehicle
19 25 licensed and registered as a truck, road tractor, or truck
19 26 tractor by a governmental agency, is an independent contractor
19 27 while performing services in the operation of the
19 28 owner=operator's vehicle if all of the following conditions
19 29 are substantially present:
19 30 ~~(1)~~ (a) The owner=operator is responsible for the
19 31 maintenance of the vehicle.
19 32 ~~(2)~~ (b) The owner=operator bears the principal burden of
19 33 the vehicle's operating costs, including fuel, repairs,
19 34 supplies, collision insurance, and personal expenses for the
19 35 operator while on the road.



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20 1 ~~(3)~~ (c) The owner=operator is responsible for supplying
20 2 the necessary personnel to operate the vehicle, and the
20 3 personnel are considered the owner=operator's employees.
20 4 ~~(4)~~ (d) The owner=operator's compensation is based on
20 5 factors related to the work performed, including a percentage
20 6 of any schedule of rates or lawfully published tariff, and not
20 7 on the basis of the hours or time expended.
20 8 ~~(5)~~ (e) The owner=operator determines the details and
20 9 means of performing the services, in conformance with
20 10 regulatory requirements, operating procedures of the carrier,
20 11 and specifications of the shipper.
20 12 ~~(6)~~ (f) The owner=operator enters into a contract which
20 13 specifies the relationship to be that of an independent
20 14 contractor and not that of an employee.
20 15 ~~d.~~ (4) Directors of a corporation who are not at the same
20 16 time employees of the corporation; or directors, trustees,
20 17 officers, or other managing officials of a nonprofit
20 18 corporation or association who are not at the same time
20 19 full-time employees of the nonprofit corporation or
20 20 association.
20 21 ~~e.~~ (5) Proprietors, limited liability company members,
20 22 limited liability partners, and partners who have not elected
20 23 to be covered by the workers' compensation law of this state
20 24 pursuant to section 85.1A.
20 25 Sec. 22. Section 87.1, unnumbered paragraph 2, Code 2007,
20 26 is amended to read as follows:
20 27 A motor carrier who contracts with an owner=operator who is
20 28 acting as an independent contractor pursuant to section 85.61,
20 29 subsection ~~13~~ 11, paragraph "g", shall not be required to
20 30 insure the motor carrier's liability for the owner=operator.
20 31 A motor carrier may procure compensation liability insurance
20 32 coverage for these owner=operators, and may charge the
20 33 owner=operator for the costs of the premiums. A motor carrier
20 34 shall require the owner=operator to provide and maintain a
20 35 certificate of workers' compensation insurance covering the



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21 1 owner=operator's employees. An owner=operator shall remain
21 2 responsible for providing compensation liability insurance for
21 3 the owner=operator's employees.

21 4 Sec. 23. Section 87.23, Code 2007, is amended to read as
21 5 follows:

21 6 87.23 COMPENSATION LIABILITY INSURANCE NOT REQUIRED.

21 7 A corporation, association, or organization approved by the
21 8 commissioner of insurance to provide compensation liability
21 9 insurance shall not require a motor carrier that contracts
21 10 with an owner=operator who is acting as an independent
21 11 contractor pursuant to section 85.61, subsection ~~11~~,
21 12 paragraph "g", to purchase compensation liability insurance
21 13 for the employer's liability for the owner=operator or its
21 14 employees.

21 15 Sec. 24. Section 91.16, subsection 1, Code 2007, is
21 16 amended to read as follows:

21 17 1. Any owner, superintendent, manager, or person in charge
21 18 of any factory, mill, workshop, store, mine, hotel,
21 19 restaurant, cafe, railway, business house, public or private
21 20 work, who shall refuse to allow the labor commissioner ~~of~~
~~21 21 labor~~ or any inspector or employee of the division of labor
21 22 services to enter the same, or who shall hinder or deter the
21 23 commissioner, inspector, or employee in collecting information
21 24 which it is that person's duty to collect shall be guilty of a
21 25 simple misdemeanor.

21 26 Sec. 25. Section 91E.1, subsection 1, Code 2007, is
21 27 amended to read as follows:

21 28 1. "Commissioner" means the ~~commissioner of the division~~
~~21 29 of labor services of the department of workforce development~~
21 30 labor commissioner, appointed pursuant to section 91.2.

21 31 Sec. 26. Section 96.5, subsection 3, paragraph a, Code
21 32 2007, is amended to read as follows:

21 33 a. (1) In determining whether or not any work is suitable
21 34 for an individual, the department shall consider the degree of
21 35 risk involved to the individual's health, safety, and morals,



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22 1 the individual's physical fitness, prior training, length of
22 2 unemployment, and prospects for securing local work in the
22 3 individual's customary occupation, the distance of the
22 4 available work from the individual's residence, and any other
22 5 factor which the department finds bears a reasonable relation
22 6 to the purposes of this paragraph. Work is suitable if the
22 7 work meets all the other criteria of this paragraph and if the
22 8 gross weekly wages for the work equal or exceed the following
22 9 percentages of the individual's average weekly wage for
22 10 insured work paid to the individual during that quarter of the
22 11 individual's base period in which the individual's wages were
22 12 highest:

22 13 ~~(1)~~ (a) One hundred percent, if the work is offered during
22 14 the first five weeks of unemployment.

22 15 ~~(2)~~ (b) Seventy-five percent, if the work is offered
22 16 during the sixth through the twelfth week of unemployment.

22 17 ~~(3)~~ (c) Seventy percent, if the work is offered during the
22 18 thirteenth through the eighteenth week of unemployment.

22 19 ~~(4)~~ (d) Sixty-five percent, if the work is offered after
22 20 the eighteenth week of unemployment.

22 21 (2) However, the provisions of this paragraph shall not
22 22 require an individual to accept employment below the federal
22 23 minimum wage.

22 24 Sec. 27. Section 96.5, subsections 4 and 5, Code 2007, are
22 25 amended to read as follows:

22 26 4. LABOR DISPUTES.

22 27 a. For any week with respect to which the department finds
22 28 that the individual's total or partial unemployment is due to
22 29 a stoppage of work which exists because of a labor dispute at
22 30 the factory, establishment, or other premises at which the
22 31 individual is or was last employed, provided that this
22 32 subsection shall not apply if it is shown to the satisfaction
22 33 of the department that:

22 34 ~~a-~~ (1) The individual is not participating in or financing
22 35 or directly interested in the labor dispute which caused the



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23 1 stoppage of work; and
23 2 ~~b.~~ (2) The individual does not belong to a grade or class
23 3 of workers of which, immediately before the commencement of
23 4 the stoppage, there were members employed at the premises at
23 5 which the stoppage occurs, any of whom are participating in or
23 6 financing or directly interested in the dispute.
23 7 b. Provided, that if in any case separate branches of work
23 8 which are commonly conducted as separate businesses in
23 9 separate premises are conducted in separate departments of the
23 10 same premises, each such department shall, for the purposes of
23 11 this subsection, be deemed to be a separate factory,
23 12 establishment, or other premises.
23 13 5. OTHER COMPENSATION.
23 14 a. For any week with respect to which the individual is
23 15 receiving or has received payment in the form of any of the
23 16 following:
23 17 ~~a.~~ (1) Wages in lieu of notice, separation allowance,
23 18 severance pay, or dismissal pay.
23 19 ~~b.~~ (2) Compensation for temporary disability under the
23 20 workers' compensation law of any state or under a similar law
23 21 of the United States.
23 22 ~~c.~~ (3) A governmental or other pension, retirement or
23 23 retired pay, annuity, or any other similar periodic payment
23 24 made under a plan maintained or contributed to by a base
23 25 period or chargeable employer where, except for benefits under
23 26 the federal Social Security Act or the federal Railroad
23 27 Retirement Act of 1974 or the corresponding provisions of
23 28 prior law, the plan's eligibility requirements or benefit
23 29 payments are affected by the base period employment or the
23 30 remuneration for the base period employment. However, if an
23 31 individual's benefits are reduced due to the receipt of a
23 32 payment under this paragraph, the reduction shall be decreased
23 33 by the same percentage as the percentage contribution of the
23 34 individual to the plan under which the payment is made.
23 35 b. Provided, that if the remuneration is less than the



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24 1 benefits which would otherwise be due under this chapter, the
24 2 individual is entitled to receive for the week, if otherwise
24 3 eligible, benefits reduced by the amount of the remuneration.
24 4 Provided further, if benefits were paid for any week under
24 5 this chapter for a period when benefits, remuneration or
24 6 compensation under paragraph "a", ~~"b", or "c"~~ subparagraph
24 7 (1), (2), or (3), were paid on a retroactive basis for the
24 8 same period, or any part thereof, the department shall recover
24 9 the excess amount of benefits paid by the department for the
24 10 period, and no employer's account shall be charged with
24 11 benefits so paid. However, compensation for service-connected
24 12 disabilities or compensation for accrued leave based on
24 13 military service by the beneficiary with the armed forces of
24 14 the United States, irrespective of the amount of the benefit,
24 15 does not disqualify any individual otherwise qualified from
24 16 any of the benefits contemplated herein. A deduction shall
24 17 not be made from the amount of benefits payable for a week for
24 18 individuals receiving federal social security pensions to take
24 19 into account the individuals' contributions to the pension
24 20 program.

24 21 Sec. 28. Section 96.14, subsection 2, Code 2007, is
24 22 amended to read as follows:

24 23 2. PENALTIES. Any employer who shall fail to file a
24 24 report of wages paid to each of the employer's employees for
24 25 any period in the manner and within the time required by this
24 26 chapter and the rules of the department or any employer who
24 27 the department finds has filed an insufficient report and
24 28 fails to file a sufficient report within thirty days after a
24 29 written request from the department to do so shall pay a
24 30 penalty to the department.

24 31 a. The penalty shall become effective with the first day
24 32 the report is delinquent or, where a report is insufficient,
24 33 with the thirty-first day following the written request for a
24 34 sufficient report.

24 35 b. ~~Penalty~~ The penalty for failing to file a sufficient



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25 1 report shall be in addition to any penalty incurred for a
25 2 delinquent report where the delinquent report is also
25 3 insufficient.
25 4 c. The amount of the penalty for delinquent and
25 5 insufficient reports shall be computed based on total wages in
25 6 the period for which the report was due and shall be computed
25 7 as follows:

| 25 8 Days Delinquent 25 9 or Insufficient | 25 10 Penalty Rate |
|--|--------------------|
| 25 11 1==60 | 25 12 0.1% |
| 25 13 61==120 | 25 14 0.2% |
| 25 15 121==180 | 25 16 0.3% |
| 25 17 181==240 | 25 18 0.4% |
| 25 19 241 or over | 25 20 0.5% |

25 21 d. A penalty shall not be less than ten dollars for the
25 22 first delinquent report or the first insufficient report not
25 23 made sufficient within thirty days after a request to do so.
25 24 The penalty shall not be less than twenty-five dollars for the
25 25 second delinquent or insufficient report, and not less than
25 26 fifty dollars for each delinquent or insufficient report
25 27 thereafter, until four consecutive calendar quarters of
25 28 reports are timely and sufficiently filed. Interest,
25 29 penalties, and cost shall be collected by the department in
25 30 the same manner as provided by this chapter for contributions.

25 31 e. If the department finds that any employer has willfully
25 32 failed to pay any contribution or part thereof when required
25 33 by this chapter and the rules of the department, with intent
25 34 to defraud the department, then such employer shall in
25 35 addition to such contribution or part thereof, pay a
25 36 contribution equal to fifty percent of the amount of such
25 37 contribution or part thereof, as the case may be.

25 38 f. The department may cancel any interest or penalties if
25 39 it is shown to the satisfaction of the department that the
25 40 failure to pay a required contribution or to file a required
25 41 report was not the result of negligence, fraud, or intentional



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26 1 disregard of the law or the rules of the department.
26 2 Sec. 29. Section 96.17, subsection 3, Code 2007, is
26 3 amended to read as follows:
26 4 3. INDEMNIFICATION. Any member of the department or any
26 5 employee of the department shall be indemnified for any
26 6 damages and legal expenses incurred as a result of the good
26 7 faith performance of their official duties, for any claim for
26 8 civil damages not specifically covered by the Iowa ~~Tort Claims~~
26 9 tort claims Act, chapter 669. Any payment described herein
26 10 shall be paid from the special employment security contingency
26 11 fund in section 96.13, subsection 3.
26 12 Sec. 30. Section 97.52, Code 2007, is amended to read as
26 13 follows:
26 14 97.52 ADMINISTRATION AGREEMENTS.
26 15 The Iowa public employees' retirement system created in
26 16 section 97B.1 may enter into agreements whereby services
26 17 performed by the system and its employees under this chapter
26 18 and chapters ~~97~~, ~~97B~~, and 97C shall be equitably apportioned
26 19 among the funds provided for the administration of those
26 20 chapters. The money spent for personnel, rentals, supplies,
26 21 and equipment used by the system in administering the chapters
26 22 shall be equitably apportioned and charged against the funds.
26 23 Sec. 31. Section 97C.19, Code 2007, is amended to read as
26 24 follows:
26 25 97C.19 APPORTIONMENT OF EXPENSE.
26 26 The money spent for personnel, rentals, supplies, and
26 27 equipment used by the state agency in administering this
26 28 chapter and chapters ~~97~~, and ~~97B~~, and ~~97C~~ shall be equitably
26 29 apportioned and charged against the funds provided for the
26 30 administration of this chapter and those chapters.
26 31 Sec. 32. Section 103A.10, subsection 2, paragraph c, Code
26 32 2007, is amended to read as follows:
26 33 c. To all newly constructed buildings and structures the
26 34 construction of which is paid for in whole or in part with
26 35 moneys appropriated by the state but which are not wholly



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27 1 owned by the state.

27 2 Sec. 33. Section 103A.10, subsection 3, Code 2007, is
27 3 amended to read as follows:

27 4 3. Provisions of the state building code relating to the
27 5 manufacture and installation of factory-built structures shall
27 6 apply throughout the state. ~~Factory-built structures~~ A
27 7 factory-built structure approved by the commissioner shall be
27 8 deemed to comply with all building regulations applicable to
27 9 its manufacture and installation and shall be exempt from any
27 10 other state or local building regulations.

27 11 Sec. 34. Section 103A.10A, subsection 3, Code 2007, is
27 12 amended to read as follows:

27 13 3. All newly constructed buildings and structures the
27 14 construction of which is paid for in whole or in part with
27 15 moneys appropriated by the state but which are not wholly
27 16 owned by the state are subject to the plan review and
27 17 inspection requirements as provided in this subsection. If a
27 18 governmental subdivision has adopted a building code,
27 19 electrical code, mechanical code, and plumbing code and
27 20 performs inspections pursuant to such codes, such buildings or
27 21 structures shall be built to comply with such codes. However,
27 22 if a governmental subdivision has not adopted a building code,
27 23 electrical code, mechanical code, and plumbing code, or does
27 24 not perform inspections pursuant to such codes, such buildings
27 25 or structures shall be built to comply with the state building
27 26 code and shall be subject to a plan review and inspection by
27 27 the commissioner or an independent building inspector
27 28 appointed by the commissioner. A fee shall be assessed for
27 29 the cost of plan review and the cost of inspection.

27 30 Sec. 35. Section 123.37, unnumbered paragraph 1, Code
27 31 2007, is amended to read as follows:

27 32 The power to establish licenses and permits and levy taxes
27 33 as imposed in this chapter ~~123~~ is vested exclusively with the
27 34 state. Unless specifically provided, a local authority shall
27 35 not require the obtaining of a special license or permit for



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28 1 the sale of alcoholic beverages, wine, or beer at any
28 2 establishment, or require the obtaining of a license by any
28 3 person as a condition precedent to the person's employment in
28 4 the sale, serving, or handling of alcoholic beverages, wine,
28 5 or beer, within an establishment operating under a license or
28 6 permit.

28 7 Sec. 36. Section 123.186, subsection 2, Code 2007, is
28 8 amended to read as follows:

28 9 2. The division shall adopt as rules the substance of 27
28 10 C.F.R. } 6.88, to permit a manufacturer of alcoholic
28 11 beverages, wine, or beer, or an agent of such manufacturer, to
28 12 provide to a retailer without charge wine and beer coil
28 13 cleaning services, including carbon dioxide filters and other
28 14 necessary accessories to properly clean the coil and affix
28 15 carbon dioxide filters. The rules shall provide that the
28 16 manufacturer shall be responsible for paying the costs of any
28 17 filters provided.

28 18 Sec. 37. Section 152.7, Code 2007, is amended to read as
28 19 follows:

28 20 152.7 APPLICANT QUALIFICATIONS.

28 21 1. In addition to the provisions of section 147.3, an
28 22 applicant to be licensed for the practice of nursing shall
28 23 have the following qualifications:

28 24 ~~1.~~ a. Be a graduate of an accredited high school or the
28 25 equivalent.

28 26 ~~2.~~ b. Pass an examination as prescribed by the board.

28 27 ~~3.~~ c. Complete a course of study approved by the board
28 28 pursuant to section 152.5.

28 29 2. For purposes of licensure pursuant to the nurse
28 30 licensure compact contained in section 152E.1, the compact
28 31 administrator may refuse to accept a change in the
28 32 qualifications for licensure as a registered nurse or as a
28 33 licensed practical or vocational nurse by a licensing
28 34 authority in another state which is a party to the compact
28 35 which substantially modifies that state's qualifications for
29 1 licensure in effect on July 1, 2000. For purposes of
29 2 licensure pursuant to the advanced practice registered nurse
29 3 compact contained in section 152E.3, the compact administrator
29 4 may refuse to accept a change in the qualifications for
29 5 licensure as an advanced practice registered nurse by a
29 6 licensing authority in another state which is a party to the
29 7 compact which substantially modifies that state's
29 8 qualifications for licensure in effect on July 1, 2005. A
29 9 refusal to accept a change in a party state's qualifications
29 10 for licensure may result in submitting the issue to an
29 11 arbitration panel or in withdrawal from the respective
29 12 compact, at the discretion of the compact administrator.

29 13 Sec. 38. Section 152E.3, article II, paragraph j, Code
29 14 2007, is amended to read as follows:

29 15 j. "Licensing board" means a party state's regulatory body
29 16 responsible for ~~issuing~~ advanced practice registered nurse
29 17 licensure or authority to practice.

29 18 Sec. 39. Section 153.39, subsection 3, Code 2007, is
29 19 amended to read as follows:

29 20 3. ~~Individuals~~ A person employed as a dental assistant
29 21 after July 1, 2005, shall have a twelve-month period following



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29 22 ~~their~~ the person's first date of employment after July 1,
29 23 2005, to comply with the provisions of subsection 1.
29 24 Sec. 40. Section 154B.6, Code 2007, is amended to read as
29 25 follows:
29 26 154B.6 REQUIREMENTS FOR LICENSURE.
29 27 1. Except as provided in this section, an applicant for
29 28 licensure as a psychologist shall meet the following
29 29 requirements in addition to those specified in chapter 147:
29 30 ~~1. a.~~ a. Except as provided in this section, after July 1,
29 31 1985, a new applicant for licensure as a psychologist shall
29 32 possess a doctoral degree in psychology from an institution
29 33 approved by the board and shall have completed at least one
29 34 year of supervised professional experience under the
29 35 supervision of a licensed psychologist.



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30 1 ~~2.~~ b. Have passed an examination administered by the board
30 2 to assure the applicant's professional competence. The
30 3 examination of any of its divisions may be given by the board
30 4 at any time after the applicant has met the degree
30 5 requirements of this section.

30 6 ~~3.~~ c. Have not failed the examination required in
30 7 ~~subsection 2~~ paragraph "b" within sixty days preceding the
30 8 date of the subsequent examination.

30 9 2. The examinations required in this section may, at the
30 10 discretion of the board, be waived for holders by examination
30 11 of licenses or certificates from states whose requirements are
30 12 substantially equivalent to those of this chapter, and for
30 13 holders by examination of specialty diplomas from the American
30 14 board of professional psychology.

30 15 Sec. 41. Section 154E.4, Code 2007, is amended to read as
30 16 follows:

30 17 154E.4 EXCEPTIONS.

30 18 1. A person shall not practice interpreting or
30 19 transliterating, or represent ~~oneself to be~~ that the person is
30 20 an interpreter, unless the person is licensed under this
30 21 chapter.

30 22 2. This chapter does not prohibit any of the following:

30 23 a. Any person residing outside of the state of Iowa
30 24 holding a current license from another state that meets the
30 25 state of Iowa's requirements from providing interpreting or
30 26 transliterating services in this state for up to fourteen days
30 27 per calendar year without a license issued pursuant to this
30 28 chapter.

30 29 b. Any person ~~who interprets or transliterates from~~
30 30 interpreting or transliterating solely in a religious setting
30 31 with the exception of those working in schools that receive
30 32 government funding.

30 33 c. Volunteers working without compensation, including
30 34 emergency situations, until a licensed interpreter is
30 35 obtained.



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31 1 d. Any person working as a substitute for a licensed
31 2 interpreter in an early childhood, elementary, or secondary
31 3 education setting for no more than thirty school days in a
31 4 calendar year.

31 5 e. Students enrolled in a school of interpreting ~~may~~
~~31 6 interpret from interpreting~~ only under the direct supervision
31 7 of a permanently licensed interpreter as part of the student's
31 8 course of study.

31 9 Sec. 42. Section 155A.24, subsection 8, Code 2007, is
31 10 amended to read as follows:

31 11 8. A wholesaler who knowingly forges, counterfeits, or
31 12 falsely creates any pedigree, who falsely represents any
31 13 factual matter contained in any pedigree, or who knowingly
31 14 ~~omits~~ fails to record material information required to be
31 15 recorded in a pedigree is guilty of a class "C" felony.

31 16 Sec. 43. Section 161A.4, subsection 1, unnumbered
31 17 paragraph 1, Code 2007, is amended to read as follows:

31 18 The soil conservation division is established within the
31 19 department to perform the functions conferred upon it in this
31 20 chapter and chapters 161A through 161C, 161E, 161F, 207, and
31 21 208. The division shall be administered in accordance with
31 22 the policies of the state soil conservation committee, which
31 23 shall advise the division and which shall approve
31 24 administrative rules proposed by the division for the
31 25 administration of this chapter and chapters 161A through 161C,
31 26 161E, 161F, 207, and 208 before the rules are adopted pursuant
31 27 to section 17A.5. If a difference exists between the
31 28 committee and secretary regarding the content of a proposed
31 29 rule, the secretary shall notify the chairperson of the
31 30 committee of the difference within thirty days from the
31 31 committee's action on the rule. The secretary and the
31 32 committee shall meet to resolve the difference within thirty
31 33 days after the secretary provides the committee with notice of
31 34 the difference.

31 35 Sec. 44. Section 165.18, subsection 1, paragraphs c and d,



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32 1 Code 2007, are amended to read as follows:

32 2 c. The expenses of the inspection and testing program
32 3 provided in chapter 163A, but only to the extent that the
32 4 moneys in the fund are not required for expenses incurred
32 5 under chapter 164 or ~~165~~ this chapter.

32 6 d. Indemnities as provided in section 159.5, subsection
32 7 12, but only to the extent that the moneys in the fund are not
32 8 required to pay expenses under chapter 163A, chapter 164, or
32 9 ~~165~~ this chapter.

32 10 Sec. 45. Section 175.37, subsection 9, paragraph a, Code
32 11 2007, is amended to read as follows:

32 12 a. If the authority determines that the taxpayer is not at
32 13 fault for the termination, the authority shall not issue a tax
32 14 credit certificate to the taxpayer for a subsequent tax year
32 15 based on the approved application. Any prior tax credit is
32 16 allowed as provided in this section. The taxpayer may apply
32 17 for and be issued another tax credit certificate for the same
32 18 agricultural assets as provided in this section for any
32 19 remaining tax years for which a certificate was not issued.

32 20 Sec. 46. Section 191.6, Code 2007, is amended to read as
32 21 follows:

32 22 191.6 STANDARDS FOR OLEOMARGARINE.

32 23 The department may prescribe and establish standards for
32 24 oleo, oleomargarine, or margarine manufactured or sold in this
32 25 state and may adopt the standards set up by now existing
32 26 regulations of the federal security administration or agency
32 27 as found in 1949, Code of Federal Regulations, Title 21, Part
32 28 45, section 45.0, or any amendments thereto. Any standards so
32 29 established shall not be contrary to or inconsistent with the
32 30 provisions of section 190.1, subsection 6, entitled "~~Oleo,~~
~~32 31 oleomargarine or margarine~~" "Oleomargarine".

32 32 Sec. 47. Section 203.1, subsection 10, paragraph j,
32 33 subparagraph (2), Code 2007, is amended to read as follows:

32 34 (2) The purpose of the limited liability company is to
32 35 produce renewable fuel as defined in section ~~159A.2~~ 214A.1.



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33 1 Sec. 48. Section 203.5, Code 2007, is amended to read as
33 2 follows:

33 3 203.5 LICENSE.

33 4 1. Upon the filing of the application and compliance with
33 5 the terms and conditions of this chapter and rules of the
33 6 department, the department shall issue a license to the
33 7 applicant. The license shall terminate at the end of the
33 8 third calendar month following the close of the grain dealer's
33 9 fiscal year. A grain dealer's license may be renewed annually
33 10 by the filing of a renewal fee and a renewal application on a
33 11 form prescribed by the department. An application for renewal
33 12 shall be received by the department on or before the end of
33 13 the third calendar month following the close of the grain
33 14 dealer's fiscal year. A grain dealer license which has
33 15 terminated may be reinstated by the department upon receipt of
33 16 a proper renewal application, the renewal fee, and the
33 17 reinstatement fee as provided in section 203.6 if filed within
33 18 thirty days from the date of termination of the grain dealer
33 19 license. The department may cancel a license upon request of
33 20 the licensee unless a complaint or information is filed
33 21 against the licensee alleging a violation of a provision of
33 22 this chapter. Fees for licenses issued for less than a full
33 23 year shall be prorated from the date of the application.

33 24 2. If an applicant has had a license under this chapter
33 25 ~~203~~ or chapter 203C revoked for cause within the past three
33 26 years, or has been convicted of a felony involving violations
33 27 of this chapter ~~203~~ or chapter 203C, or is owned or controlled
33 28 by a person who has had a license so revoked or who has been
33 29 so convicted, the department may deny a license to the
33 30 applicant.

33 31 3. The department may deny a license to an applicant if
33 32 any of the following apply:

33 33 ~~1.~~ a. The applicant has caused liability to the Iowa grain
33 34 depositors and sellers indemnity fund in regard to a license
33 35 issued under this chapter or chapter 203C, and the liability



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34 1 has not been discharged, settled, or satisfied.
34 2 ~~2.~~ b. The applicant is owned or controlled by a person who
34 3 has caused liability to the fund through operations under a
34 4 license issued under this chapter or chapter 203C and the
34 5 liability has not been discharged, settled, or satisfied.
34 6 Sec. 49. Section 203C.6, subsection 7, Code 2007, is
34 7 amended to read as follows:
34 8 7. If an applicant has had a license under chapter 203 or
34 9 ~~203C~~ this chapter revoked for cause within the past three
34 10 years, or has been convicted of a felony involving violations
34 11 of chapter 203 or ~~203C~~ this chapter, or is owned or controlled
34 12 by a person who has had a license so revoked or who has been
34 13 so convicted, the department may deny a license to the
34 14 applicant.
34 15 Sec. 50. Section 214A.9, Code 2007, is amended to read as
34 16 follows:
34 17 214A.9 POSTER SHOWING ANALYSIS.
34 18 Any retail dealer who sells or holds for sale motor fuel,
34 19 as defined in section ~~214A.2~~ hereof 214A.1, may post upon any
34 20 container or pump from which such motor fuel is being sold, a
34 21 statement or notice in form to be prescribed by the
34 22 department, showing the results of the tests of such motor
34 23 fuel then being sold from such pumps or other containers.
34 24 Sec. 51. Section 216A.132, Code 2007, is amended to read
34 25 as follows:
34 26 216A.132 COUNCIL ESTABLISHED == TERMS == COMPENSATION.
34 27 1. A criminal and juvenile justice planning advisory
34 28 council is established consisting of twenty=two members.
34 29 a. The governor shall appoint seven members each for a
34 30 four=year term beginning and ending as provided in section
34 31 69.19 and subject to confirmation by the senate as follows:
34 32 ~~1.~~ (1) Three persons, each of whom is a county supervisor,
34 33 county sheriff, mayor, city chief of police, or county
34 34 attorney.
34 35 ~~2.~~ (2) Two persons who represent the general public and



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35 1 are not employed in any law enforcement, judicial, or
35 2 corrections capacity.
35 3 ~~3.~~ (3) Two persons who are knowledgeable about Iowa's
35 4 juvenile justice system.
35 5 b. The departments of human services, corrections, and
35 6 public safety, the division on the status of
35 7 African-Americans, the Iowa department of public health, the
35 8 chairperson of the board of parole, the attorney general, the
35 9 state public defender, and the chief justice of the supreme
35 10 court shall each designate a person to serve on the council.
35 11 The person appointed by the Iowa department of public health
35 12 shall be from the departmental staff who administer the
35 13 comprehensive substance abuse program under chapter 125.
35 14 c. The chief justice of the supreme court shall appoint
35 15 two additional members currently serving as district judges.
35 16 Two members of the senate and two members of the house of
35 17 representatives shall be ex officio members and shall be
35 18 appointed by the majority and minority leaders of the senate
35 19 and the speaker and minority leader of the house of
35 20 representatives pursuant to section 69.16. Members appointed
35 21 pursuant to this paragraph shall serve for four-year terms
35 22 beginning and ending as provided in section 69.19 unless the
35 23 member ceases to serve as a district court judge or as a
35 24 member of the senate or of the house of representatives.
35 25 2. Members of the council shall receive reimbursement from
35 26 the state for actual and necessary expenses incurred in the
35 27 performance of their official duties. Members may also be
35 28 eligible to receive compensation as provided in section 7E.6.
35 29 Sec. 52. Section 216B.3, subsection 16, paragraph b,
35 30 subparagraph (1), unnumbered paragraph 1, Code 2007, is
35 31 amended to read as follows:
35 32 A flexible fuel which is ~~either~~ any of the following:
35 33 Sec. 53. Section 229.19, subsection 1, unnumbered
35 34 paragraph 1, Code 2007, is amended to read as follows:
35 35 The district court in each county with a population of



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36 1 under three hundred thousand inhabitants and the board of
36 2 supervisors in each county with a population of three hundred
36 3 thousand or more inhabitants shall appoint an individual who
36 4 has demonstrated by prior activities an informed concern for
36 5 the welfare and rehabilitation of persons with mental illness,
36 6 and who is not an officer or employee of the department of
36 7 human services nor of any agency or facility providing care or
36 8 treatment to persons with mental illness, to act as an
36 9 advocate representing the interests of patients involuntarily
36 10 hospitalized by the court, in any matter relating to the
36 11 patients' hospitalization or treatment under section 229.14 or
36 12 229.15. The court or, if the advocate is appointed by the
36 13 county board of supervisors, the board shall assign the
36 14 advocate appointed from a patient's county of legal settlement
36 15 to represent the interests of the patient. If a patient has
36 16 no county of legal settlement, the court or, if the advocate
36 17 is appointed by the county board of supervisors, the board
36 18 shall assign the advocate appointed from the county where the
36 19 hospital or facility is located to represent the interests of
36 20 the patient. The advocate's responsibility with respect to
36 21 any patient shall begin at whatever time the attorney employed
36 22 or appointed to represent that patient as respondent in
36 23 hospitalization proceedings, conducted under sections 229.6 to
36 24 229.13, reports to the court that the attorney's services are
36 25 no longer required and requests the court's approval to
36 26 withdraw as counsel for that patient. However, if the patient
36 27 is found to be seriously mentally impaired at the
36 28 hospitalization hearing, the attorney representing the patient
36 29 shall automatically be relieved of responsibility in the case
36 30 and an advocate shall be assigned to the patient at the
36 31 conclusion of the hearing unless the attorney indicates an
36 32 intent to continue the attorney's services and the court so
36 33 directs. If the court directs the attorney to remain on the
36 34 case, the attorney shall assume all the duties of an advocate.
36 35 The clerk shall furnish the advocate with a copy of the



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37 1 court's order approving the withdrawal and shall inform the
37 2 patient of the name of the patient's advocate. With regard to
37 3 each patient whose interests the advocate is required to
37 4 represent pursuant to this section, the advocate's duties
37 5 shall include all of the following:

37 6 Sec. 54. Section 229.19, subsection 1, paragraph c, Code
37 7 2007, is amended to read as follows:

37 8 c. To ~~make the advocate~~ be readily accessible to
37 9 communications from the patient and to originate
37 10 communications with the patient within five days of the
37 11 patient's commitment.

37 12 Sec. 55. Section 235A.15, subsection 2, paragraph c,
37 13 subparagraph (14), Code 2007, is amended to read as follows:

37 14 (14) ~~A~~ To a nursing program that is approved by the state
37 15 board of nursing under section 152.5, if the data relates to a
37 16 record check performed pursuant to section 152.5.

37 17 Sec. 56. Section 249A.12, subsection 8, Code 2007, is
37 18 amended to read as follows:

37 19 8. If a person with mental retardation has no legal
37 20 settlement or the legal settlement is unknown so that the
37 21 person is deemed to be a state case and services associated
37 22 with the mental retardation can be covered under a medical
37 23 assistance home and community-based services waiver or other
37 24 medical assistance program provision, the nonfederal share of
37 25 the medical assistance program costs for such coverage shall
37 26 be paid from the appropriation made for the medical assistance
37 27 program.

37 28 Sec. 57. Section 252D.1, Code 2007, is amended to read as
37 29 follows:

37 30 252D.1 DELINQUENT SUPPORT PAYMENTS.

37 31 If support payments ordered under this chapter or chapter
37 32 232, 234, 252A, 252C, ~~252D~~, 252E, 252F, 598, 600B, or any
37 33 other applicable chapter, or under a comparable statute of a
37 34 foreign jurisdiction, as certified to the child support
37 35 recovery unit established in section 252B.2, are not paid to



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38 1 the clerk of the district court or the collection services
38 2 center pursuant to section 598.22 and become delinquent in an
38 3 amount equal to the payment for one month, the child support
38 4 recovery unit may enter an ex parte order or, upon application
38 5 of a person entitled to receive the support payments, the
38 6 district court may enter an ex parte order, notifying the
38 7 person whose income is to be withheld, of the delinquent
38 8 amount, of the amount of income to be withheld, and of the
38 9 procedure to file a motion to quash the order for income
38 10 withholding, and ordering the withholding of specified sums to
38 11 be deducted from the delinquent person's income as defined in
38 12 section 252D.16 sufficient to pay the support obligation and,
38 13 except as provided in section 598.22, requiring the payment of
38 14 such sums to the clerk of the district court or the collection
38 15 services center. Beginning October 1, 1999, all income
38 16 withholding payments shall be paid to the collection services
38 17 center. Notification of income withholding shall be provided
38 18 to the obligor and to the payor of income pursuant to section
38 19 252D.17.

38 20 Sec. 58. Section 256A.2, Code 2007, is amended to read as
38 21 follows:

38 22 256A.2 CHILD DEVELOPMENT COORDINATING COUNCIL ESTABLISHED.

38 23 1. A child development coordinating council is established
38 24 to promote the provision of child development services to
38 25 at-risk ~~three-year~~ three-year-old and four-year-old children.
38 26 The council shall consist of the following members:

38 27 ~~1.~~ a. The administrator of the division of child and
38 28 family services of the department of human services or the
38 29 administrator's designee.

38 30 ~~2.~~ b. The director of the department of education or the
38 31 director's designee.

38 32 ~~3.~~ c. The director of human services or the director's
38 33 designee.

38 34 ~~4.~~ d. The director of the department of public health or
38 35 the director's designee.

39 1 ~~5.~~ e. An early childhood specialist of an area education
39 2 agency selected by the area education agency administrators.

39 3 ~~6.~~ f. The dean of the college of family and consumer
39 4 sciences at Iowa state university of science and technology or
39 5 the dean's designee.

39 6 ~~7.~~ g. The dean of the college of education from the
39 7 university of northern Iowa or the dean's designee.

39 8 ~~8.~~ h. The professor and head of the department of
39 9 pediatrics at the university of Iowa or the professor's
39 10 designee.

39 11 ~~9.~~ i. A resident of this state who is a parent of a child
39 12 who is or has been served by a federal head start program.

39 13 2. Staff assistance for the council shall be provided by
39 14 the department of education. Members of the council shall be
39 15 reimbursed for actual and necessary expenses incurred while
39 16 engaged in their official duties and shall receive per diem
39 17 compensation at the level authorized under section 7E.6,
39 18 subsection 1, paragraph "a".

39 19 Sec. 59. Section 257.6, subsection 1, Code 2007, is
39 20 amended to read as follows:

39 21 1. ACTUAL ENROLLMENT.



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39 22 a. Actual enrollment is determined annually on October 1,
39 23 or the first Monday in October if October 1 falls on a
39 24 Saturday or Sunday, and includes all of the following:
39 25 ~~a.~~ (1) Resident pupils who were enrolled in public schools
39 26 within the district in grades kindergarten through twelve and
39 27 including prekindergarten pupils enrolled in special education
39 28 programs.
39 29 ~~b.~~ (2) Full-time equivalent resident pupils of high school
39 30 age for which the district pays tuition to attend an Iowa
39 31 community college.
39 32 ~~c.~~ (3) Shared-time and part-time pupils of school age
39 33 enrolled in public schools within the district, irrespective
39 34 of the districts in which the pupils reside, in the proportion
39 35 that the time for which they are enrolled or receive



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40 1 instruction for the school year is to the time that full-time
40 2 pupils carrying a normal course schedule, at the same grade
40 3 level, in the same school district, for the same school year,
40 4 are enrolled and receive instruction. Tuition charges to the
40 5 parent or guardian of a shared-time or part-time nonresident
40 6 pupil shall be reduced by the amount of any increased state
40 7 aid received by the district by the counting of the pupil.
40 8 ~~d.~~ (4) Eleventh and twelfth grade nonresident pupils who
40 9 were residents of the district during the preceding school
40 10 year and are enrolled in the district until the pupils
40 11 graduate. Tuition for those pupils shall not be charged by
40 12 the district in which the pupils are enrolled and the
40 13 requirements of section 282.18 do not apply.
40 14 ~~e.~~ (5) Resident pupils receiving competent private
40 15 instruction from a licensed practitioner provided through a
40 16 public school district pursuant to chapter 299A shall be
40 17 counted as six-tenths of one pupil.
40 18 ~~f.~~ (6) Resident pupils receiving competent private
40 19 instruction under dual enrollment pursuant to chapter 299A
40 20 shall be counted as one-tenth of one pupil.
40 21 b. Pupils attending a university laboratory school are not
40 22 counted in the actual enrollment of a school district, but the
40 23 laboratory school shall report their enrollment directly to
40 24 the department of education.
40 25 c. A school district shall certify its actual enrollment
40 26 to the department of education by October 15 of each year, and
40 27 the department shall promptly forward the information to the
40 28 department of management.
40 29 d. The department of management shall adjust the
40 30 enrollment of the school district for the audit year based
40 31 upon reports filed under section 11.6, and shall further
40 32 adjust the budget of the second year succeeding the audit year
40 33 for the property tax and state aid portions of the reported
40 34 differences in enrollments for the year succeeding the audit
40 35 year.



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41 1 Sec. 60. Section 257.40, subsection 1, Code 2007, is
41 2 amended to read as follows:

41 3 1. The board of directors of a school district requesting
41 4 to use modified allowable growth for programs for returning
41 5 dropouts and dropout prevention shall submit requests for
41 6 modified at-risk allowable growth, including budget ~~cost~~
41 7 costs, to the department not later than December 15 of the
41 8 year preceding the budget year during which the program will
41 9 be offered. The department shall review the request and shall
41 10 prior to January 15 either grant approval for the request or
41 11 return the request for approval with comments of the
41 12 department included. An unapproved request for a program may
41 13 be resubmitted with modifications to the department not later
41 14 than February 1. Not later than February 15, the department
41 15 shall notify the department of management and the school
41 16 budget review committee of the names of the school districts
41 17 for which programs using modified allowable growth for funding
41 18 have been approved and the approved budget of each program
41 19 listed separately for each school district having an approved
41 20 request.

41 21 Sec. 61. Section 260C.19A, subsection 2, paragraph a,
41 22 unnumbered paragraph 1, Code 2007, is amended to read as
41 23 follows:

41 24 A flexible fuel which is ~~either~~ any of the following:

41 25 Sec. 62. Section 261C.6, subsection 1, unnumbered
41 26 paragraph 1, Code 2007, is amended to read as follows:

41 27 Not later than June 30 of each year, a school district
41 28 shall pay a tuition reimbursement amount to an eligible
41 29 postsecondary institution that has enrolled its resident
41 30 eligible pupils under this chapter, unless the eligible pupil
41 31 is participating in open enrollment under section 282.18, in
41 32 which case, the tuition reimbursement amount shall be paid by
41 33 the receiving district. However, if a child's residency
41 34 changes during a school year, the tuition shall be paid by the
41 35 district in which the child was enrolled as of the date



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42 1 specified in section 257.6, subsection 1, or the district in
42 2 which the child was counted under section 257.6, subsection 1,
42 3 paragraph ~~"f"~~ "a", subparagraph (6). For pupils enrolled at
42 4 the school for the deaf and the Iowa braille and sight saving
42 5 school, the state board of regents shall pay a tuition
42 6 reimbursement amount by June 30 of each year. The amount of
42 7 tuition reimbursement for each separate course shall equal the
42 8 lesser of:

42 9 Sec. 63. Section 262.25A, subsection 3, paragraph a,
42 10 unnumbered paragraph 1, Code 2007, is amended to read as
42 11 follows:

42 12 A flexible fuel which is ~~either~~ any of the following:

42 13 Sec. 64. Section 272.4, Code 2007, is amended to read as
42 14 follows:

42 15 272.4 TERMS OF OFFICE.

42 16 1. Members, except for the director of the department of
42 17 education, shall be appointed to serve staggered terms of four
42 18 years. A member shall not serve more than two consecutive
42 19 terms, except for the director of the department of education,
42 20 who shall serve until the director's term of office expires.
42 21 A member of the board, except for the two public members,
42 22 shall hold a valid practitioner's license during the member's
42 23 term of office. A vacancy exists when any of the following
42 24 occur:

42 25 ~~1. a.~~ A nonpublic member's license expires, is suspended,
42 26 or is revoked.

42 27 ~~2. b.~~ A nonpublic member retires or terminates employment
42 28 as a practitioner.

42 29 ~~3. c.~~ A member dies, resigns, is removed from office, or
42 30 is otherwise physically unable to perform the duties of
42 31 office.

42 32 ~~4. d.~~ A member's term of office expires.

42 33 2. Terms of office for regular appointments shall begin
42 34 and end as provided in section 69.19. Terms of office for
42 35 members appointed to fill vacancies shall begin on the date of



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43 1 appointment and end as provided in section 69.19. Members may
43 2 be removed for cause by a state court with competent
43 3 jurisdiction after notice and opportunity for hearing. The
43 4 board may remove a member for three consecutive absences or
43 5 for cause.

43 6 Sec. 65. Section 279.17, Code 2007, is amended to read as
43 7 follows:

43 8 279.17 APPEAL BY TEACHER TO ADJUDICATOR.

43 9 1. If the teacher is no longer a probationary teacher, the
43 10 teacher may, within ten days, appeal the determination of the
43 11 board to an adjudicator by filing a notice of appeal with the
43 12 secretary of the board. The notice of appeal shall contain a
43 13 concise statement of the action which is the subject of the
43 14 appeal, the particular board action appealed from, the grounds
43 15 on which relief is sought and the relief sought.

43 16 2. Within five days following receipt by the secretary of
43 17 the notice of appeal, the board or the board's legal
43 18 representative, if any, and the teacher or the teacher's
43 19 representative, if any, may select an adjudicator who resides
43 20 within the boundaries of the merged area in which the school
43 21 district is located. If an adjudicator cannot be mutually
43 22 agreed upon within the five-day period, the secretary shall
43 23 notify the chairperson of the public employment relations
43 24 board by transmitting the notice of appeal, and the
43 25 chairperson of the public employment relations board shall
43 26 within five days provide a list of five adjudicators to the
43 27 parties. Within three days from receipt of the list of
43 28 adjudicators, the parties shall select an adjudicator by
43 29 alternately removing a name from the list until only one name
43 30 remains. The person whose name remains shall be the
43 31 adjudicator. The parties shall determine by lot which party
43 32 shall remove the first name from the list submitted by the
43 33 chairperson of the public employment relations board. The
43 34 secretary of the board shall inform the chairperson of the
43 35 public employee relations board of the name of the adjudicator



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44 1 selected.

44 2 3. If the teacher does not timely request an appeal to an
44 3 adjudicator the decision, opinion, or conclusion of the board
44 4 shall become final and binding.

44 5 Within thirty days after filing the notice of appeal, or
44 6 within further time allowed by the adjudicator, the board
44 7 shall transmit to the adjudicator the original or a certified
44 8 copy of the entire record of the private hearing which may be
44 9 the subject of the petition. By stipulation of the parties to
44 10 review the proceedings, the record of the case may be
44 11 shortened. The adjudicator may require or permit subsequent
44 12 corrections or additions to the shortened record.

44 13 4. The record certified and filed by the board shall be
44 14 the record upon which the appeal shall be heard and no
44 15 additional evidence shall be heard by the adjudicator. In
44 16 such appeal to the adjudicator, especially when considering
44 17 the credibility of witnesses, the adjudicator shall give
44 18 weight to the fact findings of the board; but shall not be
44 19 bound by them.

44 20 5. Before the date set for hearing a petition for review
44 21 of board action, which shall be within ten days after receipt
44 22 of the record unless otherwise agreed or unless the
44 23 adjudicator orders additional evidence be taken before the
44 24 board, application may be made to the adjudicator for leave to
44 25 present evidence in addition to that found in the record of
44 26 the case. If it is shown to the adjudicator that the
44 27 additional evidence is material and that there were good
44 28 reasons for failure to present it in the private hearing
44 29 before the board, the adjudicator may order that the
44 30 additional evidence be taken before the board upon conditions
44 31 determined by the adjudicator. The board may modify its
44 32 findings and decision in the case by reason of the additional
44 33 evidence and shall file that evidence and any modifications,
44 34 new findings, or decisions, with the adjudicator and mail
44 35 copies of the new findings or decisions to the teacher.



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45 1 6. The adjudicator may affirm board action or remand to
45 2 the board for further proceedings. The adjudicator shall
45 3 reverse, modify, or grant any appropriate relief from the
45 4 board action if substantial rights of the teacher have been
45 5 prejudiced because the board action is:
45 6 ~~1.~~ a. In violation of a board rule or policy or contract;
45 7 or
45 8 ~~2.~~ b. Unsupported by a preponderance of the competent
45 9 evidence in the record made before the board when that record
45 10 is viewed as a whole; or
45 11 ~~3.~~ c. Unreasonable, arbitrary or capricious or
45 12 characterized by an abuse of discretion or a clearly
45 13 unwarranted exercise of discretion.
45 14 7. The adjudicator shall, within fifteen days after the
45 15 hearing, make a decision and shall give a copy of the decision
45 16 to the teacher and the secretary of the board. The decision
45 17 of the adjudicator shall become the final and binding decision
45 18 of the board unless either party within ten days notifies the
45 19 secretary of the board that the decision is rejected. The
45 20 board may reject the decision by majority vote, by roll call,
45 21 in open meeting and entered into the minutes of the meeting.
45 22 The board shall immediately notify the teacher of its decision
45 23 by certified mail. The teacher may reject the adjudicator's
45 24 decision by notifying the board's secretary in writing within
45 25 ten days of the filing of such decision.
45 26 8. All costs of the adjudicator shall be shared equally by
45 27 the teacher and the board.
45 28 Sec. 66. Section 282.31, subsection 1, paragraph b,
45 29 unnumbered paragraph 2, Code 2007, is amended to read as
45 30 follows:
45 31 However, on June 30 of a school year, if the board of
45 32 directors of a school district determines that the number of
45 33 children under this paragraph who were counted in the basic
45 34 enrollment of the school district ~~of~~ in that school year in
45 35 accordance with section 257.6, subsection 1, is fewer than the



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46 1 sum of the number of months all children were enrolled in the
46 2 school district under this paragraph during the school year
46 3 divided by nine, the secretary of the school district may
46 4 submit a claim to the department of education by August 1
46 5 following the school year for an amount equal to the district
46 6 cost per pupil of the district for the previous school year
46 7 multiplied by the difference between the number of children
46 8 counted and the number of children calculated by the number of
46 9 months of enrollment. The amount of the claim shall be paid
46 10 by the department of administrative services to the school
46 11 district by October 1. The department of administrative
46 12 services shall transfer the total amount of the approved claim
46 13 of a school district from the moneys appropriated under
46 14 section 257.16 and the amount paid shall be deducted monthly
46 15 from the state foundation aid paid to all school districts in
46 16 the state during the remainder of the subsequent fiscal year
46 17 in the manner provided in paragraph "a".

46 18 Sec. 67. Section 299A.8, Code 2007, is amended to read as
46 19 follows:

46 20 299A.8 DUAL ENROLLMENT.

46 21 If a parent, guardian, or legal custodian of a child who is
46 22 receiving competent private instruction under this chapter or
46 23 a child over compulsory age who is receiving private
46 24 instruction submits a request, the child shall also be
46 25 registered in a public school for dual enrollment purposes.
46 26 If the child is enrolled in a public school district for dual
46 27 enrollment purposes, the child shall be permitted to
46 28 participate in any academic activities in the district and
46 29 shall also be permitted to participate on the same basis as
46 30 public school children in any extracurricular activities
46 31 available to children in the child's grade or group, and the
46 32 parent, guardian, or legal custodian shall not be required to
46 33 pay the costs of any annual evaluation under this chapter. If
46 34 the child is enrolled for dual enrollment purposes, the child
46 35 shall be included in the public school's basic enrollment



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47 1 under section 257.6. A pupil who is participating only in
47 2 extracurricular activities shall be counted under section
47 3 257.6, subsection 1, paragraph ~~"f"~~ "a", subparagraph (6). A
47 4 pupil enrolled in grades nine through twelve under this
47 5 section shall be counted in the same manner as a shared-time
47 6 pupil under section 257.6, subsection 1, paragraph ~~"e"~~ "a",
47 7 subparagraph (3).

47 8 Sec. 68. Section 307.21, subsection 5, paragraph a,
47 9 unnumbered paragraph 1, Code 2007, is amended to read as
47 10 follows:

47 11 A flexible fuel which is ~~either~~ any of the following:

47 12 Sec. 69. Section 321G.13, subsection 1, paragraph g,
47 13 unnumbered paragraph 2, Code 2007, is amended to read as
47 14 follows:

47 15 This paragraph "g" does not prohibit the use of ford
47 16 crossings of public or private roads or any other ford
47 17 crossing when used for agricultural purposes; the operation of
47 18 construction vehicles engaged in lawful construction, repair,
47 19 or maintenance in a streambed; or the operation of snowmobiles
47 20 on ice.

47 21 Sec. 70. Section 327C.5, unnumbered paragraph 1, Code
47 22 2007, is amended to read as follows:

47 23 Violations of the provisions of this chapter and chapters
47 24 327D ~~to~~ through 327G shall be punished as a schedule "one"
47 25 penalty unless otherwise indicated. Violations of a
47 26 continuing nature shall constitute a separate offense for each
47 27 violation unless otherwise provided. The schedule of
47 28 violations shall be:

47 29 Sec. 71. Section 356.37, Code 2007, is amended to read as
47 30 follows:

47 31 356.37 CONFINEMENT AND DETENTION REPORT == DESIGN
47 32 PROPOSALS.

47 33 The division of criminal and juvenile justice planning of
47 34 the department of human rights, in consultation with the
47 35 department of corrections, the Iowa county attorneys



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48 1 association, the Iowa state sheriff's association, the Iowa
48 2 association of chiefs of police and peace officers, a
48 3 statewide organization representing rural property taxpayers,
48 4 the Iowa league of cities, and the Iowa board of supervisors
48 5 association, shall prepare a report analyzing the confinement
48 6 and detention needs of jails and facilities established
48 7 pursuant to ~~chapters 356 and~~ this chapter and chapter 356A.
48 8 The report for each type of jail or facility shall include but
48 9 is not limited to an inventory of prisoner space, daily
48 10 prisoner counts, options for detention of prisoners with
48 11 mental illness or substance abuse service needs, and the
48 12 compliance status under section 356.36 for each jail or
48 13 facility. The report shall contain an inventory of recent
48 14 jail or facility construction projects in which voters have
48 15 approved the issuance of general obligation bonds, essential
48 16 county purpose bonds, revenue bonds, or bonds issued pursuant
48 17 to chapter 423B. The report shall be revised periodically as
48 18 directed by the administrator of the division of criminal and
48 19 juvenile justice planning. The first submission of the report
48 20 shall include recommendations on offender data needed to
48 21 estimate jail space needs in the next two, three, and five
48 22 years, on a county, geographic region, and statewide basis,
48 23 which may be based upon information submitted pursuant to
48 24 section 356.49.

48 25 Sec. 72. Section 384.4, subsection 2, Code 2007, is
48 26 amended to read as follows:

48 27 2. Interest as it becomes due and the amount necessary to
48 28 pay, or to create a sinking fund to pay, the principal at
48 29 maturity of all general obligation bonds issued by the city or
48 30 to pay, or to create a sinking fund to pay, amounts as due on
48 31 loans received through the former Iowa community development
48 32 loan program pursuant to section 15E.120.

48 33 Sec. 73. Section 384.94, Code 2007, is amended to read as
48 34 follows:

48 35 384.94 PRIOR PROJECTS PRESERVED.

49 1 Projects and proceedings for the issuance of revenue bonds,
49 2 pledge orders, and other temporary obligations commenced
49 3 before the effective date of the city code may be consummated
49 4 and completed as required or permitted by any statute or other
49 5 law amended or repealed by ~~64GA~~ 1972 Iowa Acts, chapter 1088,
49 6 as though such repeal or amendment had not occurred, and the
49 7 rights, duties, and interests flowing from such projects and
49 8 proceedings remain valid and enforceable. Without limiting
49 9 the foregoing, projects commenced prior to said effective date
49 10 may be financed by the issuance of revenue bonds, pledge
49 11 orders, and other temporary obligations under any such amended
49 12 or repealed law or by the issuance of revenue bonds and pledge
49 13 orders under the city code. For purposes of this section,
49 14 commencement of a project includes, but is not limited to,
49 15 action taken by the governing body or authorized officer to
49 16 fix a date for either a hearing or an election in connection
49 17 with any part of the project, and commencement of proceedings
49 18 for the issuance of revenue bonds, pledge orders, and other
49 19 temporary obligations includes, but is not limited to, action
49 20 taken by the governing body to fix a date for either a hearing
49 21 or a sale in connection with any part of such revenue bonds,



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49 22 pledge orders, or other temporary obligations or to order any
49 23 part thereof to be issued.

49 24 Sec. 74. Section 423.3, subsection 56, Code 2007, is
49 25 amended to read as follows:

49 26 56. The sales price from the sale of motor fuel and
49 27 special fuel consumed for highway use or in watercraft or
49 28 aircraft where the fuel tax has been imposed and paid and no
49 29 refund has been or will be allowed and the sales price from
49 30 the sales of ethanol blended gasoline, as defined in section
49 31 ~~452A.2~~ 214A.1.

49 32 Sec. 75. Section 423.3, subsection 57, paragraph f,
49 33 subparagraph (3), subparagraph subdivision (b), Code 2007, is
49 34 amended to read as follows:

49 35 (b) Eggs, fish, meat, poultry, and foods containing these



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50 1 raw animal foods requiring cooking by the consumer as
50 2 recommended by the United States food and drug administration
50 3 ~~in chapter, ch. 3~~, part 401.11 of its food code, so as to
50 4 prevent foodborne illnesses.

50 5 Sec. 76. Section 423.9A, subsection 3, paragraph b, Code
50 6 2007, is amended to read as follows:

50 7 b. Three members representing small Iowa businesses, at
50 8 least one of whom ~~must~~ shall be a retailer, and at least one
50 9 of whom shall be a supplier.

50 10 Sec. 77. Section 446.17, Code 2007, is amended to read as
50 11 follows:

50 12 446.17 SALE CONTINUED.

50 13 The county treasurer shall continue the sale from day to
50 14 day as long as there are bidders or until all delinquent
50 15 parcels have been offered for sale.

50 16 If notice of annual tax sale has been published under
50 17 section 446.9, ~~as it appeared in the 1991 Code 1991~~, the
50 18 notice is valid and further notice is not required for an
50 19 adjourned sale held under this section, unless it is a public
50 20 bidder sale.

50 21 Sec. 78. Section 452A.31, subsection 6, paragraph b, Code
50 22 2007, is amended to read as follows:

50 23 b. The aggregate per gallon distribution percentage ~~which~~
50 24 is the aggregate ethanol blended gasoline gallonage expressed
50 25 as a percentage of the aggregate gasoline gallonage calculated
50 26 for a twelve-month period beginning January 1 and ending
50 27 December 31.

50 28 Sec. 79. Section 455B.197, Code 2007, is amended to read
50 29 as follows:

50 30 455B.197 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
50 31 PERMITS.

50 32 The department may issue a permit related to the
50 33 administration of the national pollutant discharge elimination
50 34 system (NPDES) permit program pursuant to the federal Water
50 35 Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40



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51 1 C.F.R. pt. 124 including but not limited to storm water
51 2 discharge permits issued pursuant to section 455B.103A. The
51 3 department may provide for the receipt of applications and the
51 4 issuance of permits as provided by rules adopted by the
51 5 department which are consistent with this section. The
51 6 department shall assess and collect fees for the processing of
51 7 applications and the issuance of permits as provided in this
51 8 section. The department shall deposit the fees into the
51 9 national pollutant discharge elimination system permit fund
51 10 created in section 455B.196. The fees shall be established as
51 11 follows:

51 12 1. For a permit for the discharge from mining and
51 13 processing facilities, NPDES general permit no. 5, the
51 14 following fee schedule shall apply:

51 15 a. An annual permit, one hundred twenty-five dollars each
51 16 year.

51 17 b. For a multiyear permit, all of the following shall
51 18 apply:

51 19 (1) A three-year permit, three hundred dollars.

51 20 (2) A four-year permit, four hundred dollars.

51 21 (3) A five-year permit, five hundred dollars.

51 22 2. For coverage under ~~the national pollutant discharge~~
51 23 ~~elimination system (NPDES)~~ NPDES individual permits for storm
51 24 water, for a construction permit, an application fee of one
51 25 hundred dollars.

51 26 3. For coverage under ~~the national pollutant discharge~~
51 27 ~~elimination system (NPDES)~~ NPDES individual permits for
51 28 nonstorm water, the following annual fees apply:

51 29 a. For a major municipal facility, one thousand two
51 30 hundred seventy-five dollars.

51 31 b. For a minor municipal facility, two hundred ten
51 32 dollars.

51 33 c. For a semipublic facility, three hundred forty dollars.

51 34 d. For a facility that holds an operation permit, with no
51 35 wastewater discharge into surface waters, one hundred seventy



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52 1 dollars.

52 2 e. For a municipal water treatment facility, a fee shall
52 3 not be charged.

52 4 f. For a major industrial facility, three thousand four
52 5 hundred dollars.

52 6 g. For a minor industrial facility, three hundred dollars.

52 7 h. For an open feedlot operation as provided in chapter
52 8 459A, an annual fee of three hundred forty dollars.

52 9 i. For a new facility that has not been issued a current
52 10 nonstorm water NPDES permit, a prorated amount which shall be
52 11 calculated by taking the annual fee amount multiplied by the
52 12 number of months remaining before the next annual fee due date
52 13 divided by twelve.

52 14 j. For a facility covered under an existing nonstorm water
52 15 NPDES permit, a prorated amount which shall be calculated by
52 16 taking the annual fee amount multiplied by the number of
52 17 months remaining before the next annual fee due date divided
52 18 by twelve.

52 19 k. For a nonstorm water permit as provided in this
52 20 subsection, a single application fee of eighty-five dollars.

52 21 Sec. 80. Section 455G.31, subsection 2, Code 2007, is
52 22 amended to read as follows:

52 23 2. A retail dealer may use gasoline storage and dispensing
52 24 infrastructure to store and dispense E=85 gasoline if all of
52 25 the following apply:

52 26 a. For gasoline storage and dispensing infrastructure
52 27 other than the dispenser, the department of natural resources
52 28 under this chapter or the state fire marshal under chapter 101
52 29 must determine that it is compatible with E=85 gasoline.

52 30 b. For a dispenser, the manufacturer must ~~state all of~~
52 31 provide a written statement that includes the following:

52 32 (1) That the dispenser is, in the opinion of the
52 33 manufacturer, not incompatible with E=85 gasoline.

52 34 (2) ~~The~~ That the manufacturer has initiated the process of
52 35 applying to an independent testing laboratory for listing of



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53 1 the equipment for use in dispensing E=85 gasoline.
53 2 c. A manufacturer's statement under paragraph "b", must
53 3 also include a written statement, with reference to a
53 4 information regarding the particular type and model of
53 5 equipment for use in dispensing E=85 gasoline, be signed by a
53 6 responsible official on behalf of the manufacturer, and be
53 7 provided either to the retail dealer using the gasoline
53 8 storage and dispensing infrastructure or to the department of
53 9 natural resources or the state fire marshal. If the written
53 10 statement is provided to a retail dealer, the statement shall
53 11 be retained in the files on the premises of the retail dealer
53 12 and shall be available to personnel of the department of
53 13 natural resources or the state fire marshal upon request.
53 14 Sec. 81. Section 456A.33B, subsection 2, paragraph a, Code
53 15 2007, is amended to read as follows:
53 16 a. The department shall develop an initial list of not
53 17 more than thirty=five significant public lakes to be
53 18 considered for funding based on the feasibility of restoring
53 19 each lake ~~for restoration~~ and the use or potential use of the
53 20 lake, if restored. The list shall include lake projects under
53 21 active development that the department shall recommend be
53 22 given priority for funding so long as progress toward
53 23 completion of the projects remains consistent with the goals
53 24 of this section.
53 25 Sec. 82. Section 456A.33B, subsection 2, paragraph c,
53 26 subparagraph (4), subparagraph subdivision (d), Code 2007, is
53 27 amended to read as follows:
53 28 (d) Sustainability. The water quality benefits ~~of~~ from
53 29 the restoration efforts will be sustained for at least fifty
53 30 years.
53 31 Sec. 83. Section 460.304, subsection 2, paragraph a,
53 32 unnumbered paragraph 1, Code 2007, is amended to read as
53 33 follows:
53 34 Provide cost=share moneys to persons closing agricultural
53 35 drainage wells in accordance with the priority system



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54 1 established pursuant to section 460.302. In conjunction with
54 2 closing agricultural drainage wells, the division shall award
54 3 cost-share moneys to carry out the following projects:

54 4 Sec. 84. Section 461C.1, Code 2007, is amended to read as
54 5 follows:

54 6 461C.1 PURPOSE.

54 7 The purpose of this chapter is to encourage private owners
54 8 of land to make land and water areas available to the public
54 9 for recreational purposes and for urban deer control by
54 10 limiting ~~their~~ an owner's liability toward persons entering
54 11 ~~thereon~~ onto the owner's property for such purposes.

54 12 Sec. 85. Section 499B.6, Code 2007, is amended to read as
54 13 follows:

54 14 499B.6 COPY OF THE FLOOR PLANS TO BE FILED.

54 15 There shall be attached to the declaration, at the time it
54 16 is filed, a full and an exact copy of the plans of the
54 17 building, which copy shall be entered of record along with the
54 18 declaration. The plans shall show graphically all particulars
54 19 of the building including, but not limited to, the dimensions,
54 20 area and location of common elements affording access to each
54 21 apartment. Other common elements, both limited and general,
54 22 shall be shown graphically insofar as possible and shall be
54 23 certified to by an engineer, architect, or land surveyor,
54 24 ~~either of which~~ who is registered or licensed to practice that
54 25 profession in this state.

54 26 Sec. 86. Section 514.1, unnumbered paragraph 2, Code 2007,
54 27 is amended to read as follows:

54 28 For the purposes of this chapter, "subscriber" means an
54 29 individual who enters into a contract for health care services
54 30 with a corporation subject to this chapter and includes a
54 31 person eligible for medical assistance or additional medical
54 32 assistance as defined under chapter 249A, with respect to whom
54 33 the department of human services has entered into a contract
54 34 with a firm operating under this chapter ~~514~~. For purposes of
54 35 this chapter, "provider" means a person as defined in section



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55 1 4.1, subsection 20, which is licensed or authorized in this
55 2 state to furnish health care services. "Health care" means
55 3 that care necessary for the purpose of preventing,
55 4 alleviating, curing, or healing human physical or mental
55 5 illness, injury, or disability.

55 6 Sec. 87. Section 514.19, Code 2007, is amended to read as
55 7 follows:

55 8 514.19 COMBINED SERVICE CORPORATIONS.

55 9 A corporation subject to this chapter may combine with any
55 10 other corporation subject to this chapter as permitted under
55 11 chapter 504 and upon the approval by the commissioner of
55 12 insurance. Each corporation shall comply with chapter 504,
55 13 the corporation's articles of incorporation, and the
55 14 corporation's bylaws. The combined service corporation shall
55 15 continue the service benefits previously provided by each
55 16 corporation and may, subject to the approval of the
55 17 commissioner of insurance, offer other service benefits not
55 18 previously provided by the corporations before combining,
55 19 which are permitted under this chapter ~~514~~.

55 20 Sec. 88. Section 515.102, Code 2007, is amended to read as
55 21 follows:

55 22 515.102 CONDITIONS INVALIDATING POLICY.

55 23 Any condition or stipulation referring to any of the
55 24 following shall not be changed or affected by the provisions
55 25 of section 515.101:

- 55 26 1. To any other insurance, valid or invalid, ~~or~~.
- 55 27 2. To vacancy of the insured premises, ~~or~~.
- 55 28 3. To the title or ownership of the property insured, ~~or~~.
- 55 29 4. To lien, or encumbrances thereon created by voluntary
55 30 act of the insured and within the insured's control, ~~or~~.
- 55 31 5. To the suspension or forfeiture of the policy during
55 32 default or failure to pay any written obligation given to the
55 33 insurance company for the premium, ~~or~~.
- 55 34 6. To the assignment or transfer of such policy of
55 35 insurance before loss without the consent of the insurance



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56 1 company, ~~or~~.
56 2 7. To the removal of the property insured, ~~or~~.
56 3 8. To a change in the occupancy or use of the property
56 4 insured, if such change or use makes the risk more hazardous,
~~56 5 or.~~
56 6 9. To the fraud of the insured in the procurement of the
56 7 contract of insurance ~~== shall not be changed or affected by~~
~~56 8 the provision of section 515.101.~~
56 9 Sec. 89. Section 515A.6, subsection 1, paragraph a,
56 10 unnumbered paragraph 1, Code 2007, is amended to read as
56 11 follows:
56 12 A corporation, an unincorporated association, a
56 13 partnership, or an individual, whether located within or
56 14 outside this state, may make application to the commissioner
56 15 for a license as a rating organization for such kinds of
56 16 insurance, or subdivision or class of risk or a part or
56 17 combination thereof as are specified in its application and
56 18 shall file with the application all of the following:
56 19 Sec. 90. Section 515A.9, Code 2007, is amended to read as
56 20 follows:
56 21 515A.9 INFORMATION TO BE FURNISHED INSUREDS == HEARINGS
56 22 AND APPEALS OF INSUREDS.
56 23 Every rating organization and every insurer which makes its
56 24 own rate shall, within a reasonable time after receiving
56 25 written request therefor and upon payment of such reasonable
56 26 charge as it may make, furnish to any insured affected by a
56 27 rate made by it, or to the authorized representative of such
56 28 insured, all pertinent information as to such rate. Every
56 29 rating organization and every insurer which makes its own
56 30 rates shall provide within this state reasonable means whereby
56 31 any person aggrieved by the application of its rating system
56 32 may be heard, in person or by the person's authorized
56 33 representative, on the person's written request to review the
56 34 manner in which such rating system has been applied in
56 35 connection with the insurance afforded the person. Such



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57 1 review of the manner in which a rating system has been applied
57 2 is not a contested case under chapter 17A. If the rating
57 3 organization or insurer fails to grant or reject such request
57 4 within thirty days after it is made, the applicant may proceed
57 5 in the same manner as if the application had been rejected.
57 6 Any party affected by the action of such rating organization
57 7 or such insurer on such request may, within thirty days after
57 8 written notice of such action, appeal to the commissioner,
57 9 who, after a hearing held upon not less than ten days' written
57 10 notice to the appellant and to such rating organization or
57 11 insurer, may affirm or reverse such action. Such appeal to
57 12 the commissioner of the manner in which a rating system has
57 13 been applied is not a contested case under chapter 17A.

57 14 Sec. 91. Section 521.1, subsection 4, Code 2007, is
57 15 amended to read as follows:

57 16 4. "Company" ~~when used in this chapter~~ means a company or
57 17 association organized under chapter 508, 511, 515, 518, 518A,
57 18 or 520, and includes a mutual insurance holding company
57 19 organized pursuant to section 521A.14.

57 20 Sec. 92. Section 521.6, Code 2007, is amended to read as
57 21 follows:

57 22 521.6 EXAMINATION.

57 23 The commission may examine the affairs and condition of any
57 24 company as it deems proper, ~~and~~. The commission shall have
57 25 the power to summon and compel the attendance and testimony of
57 26 witnesses, and. The commission shall have the power to compel
57 27 the production of books and papers before the commission, and
57 28 may administer oaths.

57 29 Sec. 93. Section 524.1601, subsection 1, unnumbered
57 30 paragraph 1, Code 2007, is amended to read as follows:

57 31 A director, officer, or employee of a state bank or bank
57 32 holding company who willfully violates any of the provisions
57 33 of subsection 4 of section 524.612, section 524.613,
57 34 subsection 2 of section 524.706, insofar as such subsection
57 35 incorporates subsection 4 of section 524.612, or section



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58 1 524.710, shall be guilty of a serious misdemeanor, ~~plus~~ and,
58 2 in the following circumstances, shall pay an additional fine
58 3 or fines equal to:

58 4 Sec. 94. Section 533D.6, subsection 1, Code 2007, is
58 5 amended to read as follows:

58 6 1. The prior written approval of the superintendent is
58 7 required for the continued operation of a delayed deposit
58 8 services business whenever a change in control of a licensee
58 9 is proposed. The person requesting such approval shall pay to
58 10 the superintendent a fee of one hundred dollars. Control in
58 11 the case of a corporation means direct or indirect ownership
58 12 of, or the right to control, ten percent or more of the voting
58 13 shares of the corporation, or the ability of a person to elect
58 14 a majority of the directors or otherwise effect a change in
58 15 policy. Control in the case of any other entity means any
58 16 change in the principals of the organization, whether active
58 17 or passive. The superintendent may require information deemed
58 18 necessary to determine whether a new application is required.
58 19 Costs incurred by the superintendent in investigating a change
58 20 of control request shall be paid by the person requesting such
58 21 approval.

58 22 Sec. 95. Section 535B.4, subsection 7, Code 2007, is
58 23 amended to read as follows:

58 24 7. Applications for renewals of licenses and individual
58 25 registrations under this chapter must be filed with the
58 26 administrator before June 1 of the year of expiration on forms
58 27 prescribed by the administrator. A renewal application must
58 28 be accompanied by a fee of two hundred dollars for a license
58 29 to transact business solely as a mortgage broker, and four
58 30 hundred dollars for a license to transact business as a
58 31 mortgage banker. The fee to renew an individual registration
58 32 shall be the fee determined pursuant to ~~2005 Iowa Acts, ch.~~
~~58 33 83, section 6~~ 535B.4A. The administrator may assess a late
58 34 fee of ten dollars per day for applications or registrations
58 35 accepted for processing after June 1.

59 1 Sec. 96. Section 535B.17, Code 2007, is amended to read as
59 2 follows:

59 3 535B.17 POWERS AND DUTIES OF THE ADMINISTRATOR == WAIVER
59 4 AUTHORITY.

59 5 In addition to any other duties imposed upon the
59 6 administrator by law, the administrator may participate in a
59 7 multistate automated licensing system for mortgage bankers,
59 8 mortgage brokers, and individual registrants. For this
59 9 purpose, the administrator may establish by rule or order new
59 10 requirements as necessary, including but not limited to
59 11 requirements that license applicants and individual
59 12 registrants submit to fingerprinting, and criminal history
59 13 checks, and pay fees therefor.

59 14 Sec. 97. Section 536.13, subsection 1, unnumbered
59 15 paragraph 1, Code 2007, is amended to read as follows:

59 16 The superintendent may investigate the conditions and find
59 17 the facts with reference to the business of making regulated
59 18 loans, as described in section 536.1 and after making the
59 19 investigation, report in writing ~~its~~ any findings to the next
59 20 regular session of the general assembly, and upon the basis of
59 21 the facts:



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59 22 Sec. 98. Section 537.6203, subsection 5, Code 2007, is
59 23 amended to read as follows:

59 24 5. Moneys collected under this section shall be deposited
59 25 in a consumer credit administration fund in the state treasury
59 26 and shall be used for the administration of this chapter ~~537~~.
59 27 The moneys are subject to warrant upon certification of the
59 28 administrator and are appropriated for these purposes.
59 29 Notwithstanding section 8.33, the moneys in the fund do not
59 30 revert at the end of a fiscal period.

59 31 Sec. 99. Section 558.70, subsection 4, Code 2007, is
59 32 amended to read as follows:

59 33 4. This section applies to a contract seller who entered
59 34 into four or more residential real estate contracts in the
59 35 three hundred sixty-five days previous to the contract seller



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60 1 signing the contract disclosure statement. For purposes of
60 2 this subsection, two or more entities sharing a common owner
60 3 or manager are considered a single contract seller. This
60 4 section does not apply to ~~an~~ a person or organization listed
60 5 in section 535B.2, subsections 1 through 7.

60 6 Sec. 100. Section 579B.1, subsection 4, Code 2007, is
60 7 amended to read as follows:

60 8 4. "Contract livestock facility" means an animal feeding
60 9 operation as defined in section 459.102, in which livestock or
60 10 raw milk is produced according to a production contract
60 11 executed pursuant to section 579B.2 by a contract producer who
60 12 owns or leases the animal feeding operation. "Contract
60 13 livestock facility" includes a confinement feeding operation
60 14 as defined in section 459.102, an open feedlot as defined in
60 15 section 459A.102, or an area which is used for the raising of
60 16 crops or other vegetation and upon which livestock is fed for
60 17 slaughter or is allowed to graze or feed.

60 18 Sec. 101. Section 579B.1, subsection 12, Code 2007, is
60 19 amended by striking the subsection.

60 20 Sec. 102. Section 602.9116, subsection 1, Code 2007, is
60 21 amended to read as follows:

60 22 1. The court administrator shall cause an actuarial
60 23 valuation to be made of the assets and liabilities of the
60 24 judicial retirement fund at least once every four years
60 25 commencing with the fiscal year beginning July 1, 1981. For
60 26 each fiscal year in which an actuarial valuation is not
60 27 conducted, the court administrator shall cause an annual
60 28 actuarial update to be prepared for the purpose of determining
60 29 the adequacy of the contribution rates specified in section
60 30 602.9104. The court administrator shall adopt mortality
60 31 tables and other necessary factors for use in the actuarial
60 32 calculations required for the valuation upon the
60 33 recommendation of the actuary. Following the actuarial
60 34 valuation or annual actuarial update, the court administrator
60 35 shall determine the condition of the system and shall report



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61 1 ~~its~~ any findings and recommendations to the general assembly.
61 2 Sec. 103. Section 614.24, unnumbered paragraph 1, Code
61 3 2007, is amended to read as follows:
61 4 No action based upon any claim arising or existing by
61 5 reason of the provisions of any deed or conveyance or contract
61 6 or will reserving or providing for any reversion, reverted
61 7 interests or use restrictions in and to the land therein
61 8 described shall be maintained either at law or in equity in
61 9 any court to recover real estate in this state or to recover
61 10 or establish any interest therein or claim thereto, legal or
61 11 equitable, against the holder of the record title to such real
61 12 estate in possession after twenty=one years from the recording
61 13 of such deed of conveyance or contract or after twenty=one
61 14 years from the admission of said will to probate unless the
61 15 claimant shall, personally, or by the claimant's attorney or
61 16 agent, or if the claimant is a minor or under legal
61 17 disability, by the claimant's guardian, trustee, or either
61 18 parent or next friend, ~~shall~~ file a verified claim with the
61 19 recorder of the county wherein said real estate is located
61 20 within said twenty=one year period. In the event said deed
61 21 was recorded or will was admitted to probate more than twenty
61 22 years prior to July 4, 1965, then said claim may be filed on
61 23 or before one year after July 4, 1965. Such claims shall set
61 24 forth the nature thereof, also the time and manner in which
61 25 such interest was acquired. For the purposes of this section,
61 26 the claimant shall be any person or persons claiming any
61 27 interest in and to said land or in and to such reversion,
61 28 reverter interest or use restriction, whether the same is a
61 29 present interest or an interest which would come into
61 30 existence if the happening or contingency provided in said
61 31 deed or will were to happen at once. Said claimant further
61 32 shall include any member of a class of persons entitled to or
61 33 claiming such rights or interests.
61 34 Sec. 104. Section 680.8, Code 2007, is amended to read as
61 35 follows:



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62 1 680.8 NONAPPLICABILITY.

62 2 The provisions of section 680.7 shall not apply to the
62 3 receivership of state banks, as defined in section 524.105,
62 4 trust companies, or private banks, ~~and~~. In addition, in the
62 5 receivership of such state banks and trust companies, or
62 6 private banks, no ~~such~~ preference or priority shall be allowed
62 7 as is provided in ~~the~~ section 680.7 except for labor or wage
62 8 claims as provided by statute.

62 9 Sec. 105. Section 692.8A, subsection 4, Code 2007, is
62 10 amended to read as follows:

62 11 4. An intelligence assessment and intelligence data shall
62 12 be deemed a confidential record of the department under
62 13 section 22.7, subsection 55, except as otherwise provided in
62 14 this subsection. This section shall not be construed to
62 15 prohibit the dissemination of an intelligence assessment to
62 16 any agency or organization if necessary for carrying out the
62 17 official duties of the agency or organization, or to a person
62 18 if disseminated for an official purpose, and to a person if
62 19 necessary to protect a person or property from a threat of
62 20 imminent serious harm. This section shall also not be
62 21 construed to prohibit the department from disseminating a
62 22 public health and safety threat advisory or alert by press
62 23 release or other method ~~or~~ of public communication.

62 24 Sec. 106. Section 815.11, Code 2007, is amended to read as
62 25 follows:

62 26 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE == FUND
62 27 CREATED.

62 28 Costs incurred under chapter 229A, 665, 822, or 908, or
62 29 section 232.141, subsection 3, paragraph "d", or section
62 30 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
62 31 815.10 on behalf of an indigent shall be paid from moneys
62 32 appropriated by the general assembly to the office of the
62 33 state public defender in the department of inspections and
62 34 appeals and deposited in an account to be known as the
62 35 indigent defense fund. Costs incurred representing an



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63 1 indigent defendant in a contempt action, or representing an
63 2 indigent juvenile in a juvenile court proceeding under chapter
63 3 600, are also payable from the fund. However, costs incurred
63 4 in any administrative proceeding or in any other proceeding
63 5 under this chapter or chapter 598, 600, 600A, 633, 633A, 814,
63 6 ~~815~~, or 915 or other provisions of the Code or administrative
63 7 rules are not payable from the fund.

63 8 Sec. 107. Section 904.312A, subsection 2, paragraph a,
63 9 unnumbered paragraph 1, Code 2007, is amended to read as
63 10 follows:

63 11 A flexible fuel which is ~~either~~ any of the following:

63 12 Sec. 108. Section 910.10, subsection 3, unnumbered
63 13 paragraph 1, Code 2007, is amended to read as follows:

63 14 A restitution lien may be filed by ~~either~~ any of the
63 15 following:

63 16 Sec. 109. Section 910.15, subsection 2, paragraph d,
63 17 subparagraph (2), Code 2007, is amended to read as follows:

63 18 (2) It is more probable than not that there are victims
63 19 who may recover a money judgment against the felon for
63 20 physical, mental, or emotional injury or pecuniary loss
63 21 proximately caused by the convicted felon as a result of the
63 22 felony for which the felon was convicted or there is an unpaid
63 23 order of restitution under this chapter ~~910~~ against the
63 24 convicted felon for the felony for which the felon was
63 25 convicted.

63 26 Sec. 110. Section 910.15, subsection 5, Code 2007, is
63 27 amended to read as follows:

63 28 5. PAYMENT OF ESCROW FUNDS TO VICTIMS. The remaining
63 29 proceeds in escrow may be levied upon to satisfy an order for
63 30 restitution under this chapter ~~910~~ or a money judgment entered
63 31 against the convicted felon, by a court of competent
63 32 jurisdiction, for physical, mental, or emotional injury, or
63 33 pecuniary loss proximately caused by the convicted felon as a
63 34 result of the felony for which the felon was convicted.

63 35 Sec. 111. Section 915.94, Code 2007, is amended to read as



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64 1 follows:

64 2 915.94 VICTIM COMPENSATION FUND.

64 3 A victim compensation fund is established as a separate
64 4 fund in the state treasury. Moneys deposited in the fund
64 5 shall be administered by the department and dedicated to and
64 6 used for the purposes of section 915.41 and this subchapter.
64 7 In addition, the department may use moneys from the fund for
64 8 the purpose of the department's prosecutor-based victim
64 9 service coordination, including the duties defined in sections
64 10 910.3 and 910.6 and this chapter, and for the award of funds
64 11 to programs that provide services and support to victims of
64 12 domestic abuse or sexual assault as provided in chapter 236,
64 13 and to victims ~~of~~ under section 710A.2. The department may
64 14 also use up to one hundred thousand dollars from the fund to
64 15 provide training for victim service providers.
64 16 Notwithstanding section 8.33, any balance in the fund on June
64 17 30 of any fiscal year shall not revert to the general fund of
64 18 the state.

64 19 Sec. 112. 2006 Iowa Acts, chapter 1106, section 1,
64 20 subsection 5, paragraph c, is amended to read as follows:

64 21 c. Grants for veterans injured after September 11, 2001,
64 22 but prior to the effective date of this section of this Act
64 23 shall be payable, upon a showing that the veteran would have
64 24 been eligible for payment had the injury occurred on or after
64 25 the effective date of this Act.

64 26 Sec. 113. 2006 Iowa Acts, chapter 1153, section 3,
64 27 subsection 1, paragraph c, subparagraph (4), is amended to
64 28 read as follows:

64 29 (4) Information regarding adopted ethical and professional
64 30 standards of operation for the governing body and employees of
64 31 the recipient entity and information concerning the
64 32 implementation of these standards and the training of
64 33 employees and members of the governing body on the standards.
64 34 The standards shall include but not be limited to a nepotism
64 35 policy which shall provide, at a minimum, for disclosure of



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65 1 familial relationships among employees and between employees
65 2 and members of the governing body, and policies regarding
65 3 conflicts of interest, standards of responsibility and
65 4 obedience to law, fairness, and honesty.

65 5 Sec. 114. 2006 Iowa Acts, chapter 1179, section 33,
65 6 unnumbered paragraph 1, is amended to read as follows:

65 7 Section 8.57, subsection 6, Code Supplement 2005, is
65 8 amended by adding the following new paragraph:

65 9 Sec. 115. 2006 Iowa Acts, chapter 1179, section 57,
65 10 subsection 1, is amended to read as follows:

65 11 1. A state aviation fund is created under the authority of
65 12 the department. The fund shall consist of moneys deposited in
65 13 the fund pursuant to sections ~~328.21~~ 328.36 and 452A.82 and
65 14 other moneys appropriated to the fund.

65 15 Sec. 116. RETROACTIVE APPLICABILITY. The following
65 16 sections of this Act are retroactively applicable as follows:

65 17 1. The section amending 2006 Iowa Acts, chapter 1106,
65 18 section 1, is retroactively applicable to May 8, 2006, and is
65 19 applicable on and after that date.

65 20 2. The section amending 2006 Iowa Acts, chapter 1153,
65 21 section 3, is retroactively applicable to service contracts
65 22 entered into or renewed by an oversight agency on and after
65 23 October 1, 2006.

65 24 3. The section amending 2006 Iowa Acts, chapter 1179,
65 25 section 33, is retroactively applicable to July 1, 2006, and
65 26 is applicable on and after that date.

65 27 EXPLANATION

65 28 This bill makes Code changes and corrections that are
65 29 considered to be nonsubstantive and noncontroversial, in
65 30 addition to style changes. Changes made include updating or
65 31 correcting various names of and references to public and
65 32 private entities and funds, correcting internal Code and
65 33 subject matter references, and making various grammatical
65 34 corrections. The Code sections in which the technical,
65 35 grammatical, and other nonsubstantive changes are made include



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66 1 all of the following:
66 2 Code section 6B.14: Corrects the grammatical structure of
66 3 a sentence necessitated by the inadvertent strike of the word
66 4 "but".
66 5 Code section 8.6(15), 229.19(1)(c), 235A.15: Conforms
66 6 language to follow grammatically from the applicable lead-in
66 7 language.
66 8 Code section 8A.415(2): Makes a grammatical change in a
66 9 discipline resolution provision relating to reductions in pay
66 10 received by employees under the merit system.
66 11 Code section 11.36: Revises language relating to reviews
66 12 by the auditor of state of entities receiving public moneys to
66 13 agree with the language used throughout the Code section.
66 14 Code sections 12.76 and 12.91(16): Makes grammatical
66 15 corrections in provisions relating to payment of bonds or
66 16 notes issued for purposes of the vision Iowa program or a
66 17 utilities board and consumer advocate building project. The
66 18 changes mirror language in Code section 12.85 relating to
66 19 school infrastructure bonds.
66 20 Code section 13B.4(4)(d)(8): Corrects the grammatical
66 21 structure of a provision relating to a motion seeking review
66 22 of an action denying or reducing a claim for payment of
66 23 indigent defense costs.
66 24 Code sections 15.318(16), 15I.3(1), 175.37, 249A.12,
66 25 460.304(2)(a): Makes changes in terms used to conform with
66 26 other usages in the Code and the style of the Code.
66 27 Code sections 16.2, 29B.18, 69.15, 80B.11, 80B.13, 85.61,
66 28 87.1, 87.23, 96.14(2), 152.7, 154B.6, 272.4: Organizes or
66 29 reorganizes the Code section into designated parts consistent
66 30 with the substantive language and intent of the Code section
66 31 and makes internal reference changes consistent with such
66 32 designations. An internal reference to Code chapter 85 is
66 33 also changed to "this chapter" in Code section 85.61.
66 34 Code sections 21.8(1)(c), 36.3(3), and 68B.37(1) and (2):
66 35 Combines dangling unnumbered paragraphs with the preceding



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67 1 lettered paragraph or subsection in a provision relating to
67 2 the minutes of an electronic meeting of a government body, in
67 3 a provision relating to epidemiological investigations of
67 4 veterans, and in provisions defining the term "expenditures"
67 5 for purposes of lobbyists' reports.

67 6 Code section 29A.101A(5): Replaces the phrase "may not"
67 7 with "shall not" in a provision prohibiting a vehicle lessor
67 8 from imposing an early termination charge, to conform to the
67 9 style of the Code.

67 10 Code sections 72.5 and 521.6: Makes punctuation and other
67 11 technical changes for readability in provisions directing the
67 12 department of natural resources to develop standards and
67 13 methods to evaluate design development and construction
67 14 documents based upon life cycle cost factors and allowing the
67 15 commission made up of the commissioner of insurance and the
67 16 attorney general to summon and compel witnesses and compel the
67 17 production of books and papers.

67 18 Code sections 85.27(3), 85.61(11), 97.52, 97C.19, 123.37,
67 19 161A.4, 165.18, 203C.6, 252D.1, 356.37, 514.1, 514.19, and
67 20 537.6203: Eliminates chapter self-references by substituting
67 21 the words "this chapter" for numerical references the chapters
67 22 in sections that are contained within the Code chapters
67 23 referenced.

67 24 Code sections 91.16(1) and 91E.1(1): Substitutes
67 25 references to the "labor commissioner" and to Code section
67 26 91.2, under which the labor commissioner is appointed, for
67 27 references to the commissioner of labor and the commissioner
67 28 of the division of labor services of the department of
67 29 workforce development in provisions relating to inspections by
67 30 the labor commissioner and defining the term "commissioner".

67 31 Code section 96.5: Renumbers several subsections within
67 32 this provision relating to unemployment compensation to
67 33 eliminate dangling unnumbered paragraphs.

67 34 Code section 96.17(3): Adds a numeric reference to Code
67 35 chapter 669 where the Iowa Tort Claims Act is referred to by



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68 1 name to facilitate electronic hypertext linkage to that Code
68 2 chapter.
68 3 Code sections 103A.10(2)(c) and 103A.10A(3): Makes
68 4 grammatical corrections in provisions relating to the
68 5 applicability of the state building code and of state building
68 6 code commissioner plan review and inspection requirements to
68 7 new buildings and structures paid for with state moneys but
68 8 which are not wholly owned by the state.
68 9 Code section 103A.10(3): Substitutes the singular "A
68 10 factory=built structure" for the plural to agree with the
68 11 singular format of the rest of the provision relating to such
68 12 structures' deemed compliance with all applicable building
68 13 regulations if approved by the state building code
68 14 commissioner.
68 15 Code sections 123.186(2), 229.19(1), and 515A.9: Inserts
68 16 the appropriate articles preceding nouns for grammatical
68 17 correctness and readability.
68 18 Code section 152E.3: Strikes the word "issuing" to conform
68 19 grammatically to the usage reflected in this provision
68 20 defining the term used to describe the body responsible for
68 21 advance practiced registered nurse licensure and authority to
68 22 practice.
68 23 Code section 153.39: Changes a reference to certain dental
68 24 assistants from the plural to the singular to agree with the
68 25 phrase "employed as a dental assistant" and replaces a
68 26 possessive pronoun with the words "the person's" to conform to
68 27 current Code style.
68 28 Code section 154E.4: Makes grammatical changes to conform
68 29 a provision relating to interpreting for the hearing impaired
68 30 to the style of the Code section itself and to current Code
68 31 style.
68 32 Code section 155A.24: Changes the word "omits" to "fails"
68 33 to agree with the use of the infinitive of the verb "to
68 34 record" in a provision prohibiting wholesalers from creating
68 35 false pharmaceutical pedigrees.
69 1 Code section 191.6: Substitutes the appropriate subsection
69 2 headnote ("Oleomargarine") for an incorrect reference to the
69 3 headnote ("Oleo, oleomargarine or margarine") for Code section
69 4 190.1, subsection 6.
69 5 Code sections 203.1(10)(j)(2), 214A.9, and 423.3(56):
69 6 Substitutes a reference to Code section 214A.1 for references
69 7 to Code provisions directing the reader to Code section 214A.1
69 8 to provide direct access to the definitions referenced. Also,
69 9 substitutes a reference to Code section 214A.1 for 214A.2 in a
69 10 provision referencing the definition of "motor fuel".
69 11 Code section 203.5: Renumbers this section to eliminate
69 12 preliminary unnumbered paragraphs. References to chapter 203
69 13 are also replaced with the words "this chapter", because this
69 14 section is contained within chapter 203.
69 15 Code section 216A.132: Renumbers the enabling statute for
69 16 the criminal and juvenile justice planning advisory council to
69 17 eliminate unnumbered paragraphs and to group like subjects
69 18 together.
69 19 Code sections 216B.3(16)(b)(1), 260C.19A(2)(a),
69 20 262.25A(3)(a), 307.21(5)(a), 904.312A(2)(a), and 910.10(3):
69 21 Substitutes the indefinite pronoun "any" for "either" to agree



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69 22 with the number of items in the succeeding lists.
69 23 Code section 256A.2: Adds the word "old" to eliminate a
69 24 dangling hyphen in the phrase "three-year-old" and renumbers
69 25 the enabling statute for the child development coordinating
69 26 council to eliminate dangling unnumbered paragraphs.
69 27 Code sections 257.6, 261C.6, and 299A.8: Renumbers a
69 28 provision relating to calculation of actual public school
69 29 enrollment to eliminate dangling unnumbered paragraphs and
69 30 changes internal references to that provision in Code sections
69 31 261C.6 and 299A.8 to reflect the renumbering.
69 32 Code section 257.40(1): Changes the singular "budget cost"
69 33 to the plural "budget costs" to conform to other uses of the
69 34 term within the chapter relating to financing of school
69 35 programs.



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70 1 Code section 279.17: Renumbers a provision relating to
70 2 appeals of school board decisions by teachers to special
70 3 adjudicators to eliminate dangling unnumbered paragraphs.
70 4 Code section 282.31: Changes the word "of" to "in" in a
70 5 provision relating to determinations by school boards of basic
70 6 enrollment counts in a given school year in order to obtain
70 7 funding for special programs.
70 8 Code section 321G.13(1)(g): Inserts "lettered" preceding
70 9 "paragraph" to correctly identify the language being described
70 10 in a provision relating to limitations on the operation of
70 11 snowmobiles.
70 12 Code section 327C.5: Changes a reference to several Code
70 13 chapters to a "through" reference, in accord with the
70 14 substantive intent, in a provision relating to violations of
70 15 various regulations relating to transportation carriers, to
70 16 conform to the style of the Code.
70 17 Code section 384.4(2): Adds "former" to a reference to the
70 18 Iowa community development loan program, which was eliminated
70 19 in 1986, in a provision relating to a city's payments on loans
70 20 received pursuant to the program. The bill also inserts a
70 21 reference to Code section 15E.120, which prescribes that such
70 22 loan repayments are to be made to the department of economic
70 23 development.
70 24 Code section 384.94: Updates a citation to a 1972 Iowa Act
70 25 to eliminate future electronic hypertext linkage problems.
70 26 Code section 423.3(57)(f)(3): Changes the word "chapter"
70 27 to "ch." to avoid hypertext linkage problems in a sales and
70 28 use tax provision reference to the United States food and drug
70 29 administration food code.
70 30 Code section 423.9A(3)(b): Substitutes "shall" for "must"
70 31 in a provision relating to members of the Iowa streamlined
70 32 sales tax advisory council to agree with other provisions
70 33 relating to such members.
70 34 Code section 446.17: Updates a citation to Code section
70 35 446.9, as it appeared in Code 1991, to facilitate proper



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71 1 electronic hypertext linkage.
71 2 Code section 452A.31(6)(b): Corrects a grammatical
71 3 drafting error in a provision relating to the use of the term
71 4 "aggregate per gallon distribution percentage" in the Code
71 5 chapter.
71 6 Code section 455B.197: Standardizes the use of the term
71 7 "national pollutant discharge elimination system" and the
71 8 acronym for the term (NPDES) throughout the Code section.
71 9 Code section 455G.31: Reorganizes language regarding a
71 10 manufacturer's written statement relating to E=85 dispensing
71 11 equipment to eliminate a dangling unnumbered paragraph and
71 12 improve the readability of the written statement requirements.
71 13 Code section 456A.33B: Makes grammatical changes in
71 14 language pertaining to lake water quality restoration efforts
71 15 to improve readability.
71 16 Code section 461C.1: Replaces a pronoun and outdated
71 17 language with language specifying the persons and property
71 18 referred to in this provision regarding use of privately owned
71 19 property for public recreational purposes.
71 20 Code section 499B.6: Replaces the words "either of which"
71 21 with "who" to correct the relative pronoun use in relation to
71 22 language regarding the three professionals required to certify
71 23 condominium building plans under chapter 499B.
71 24 Code section 515.102: Reformats this Code section relating
71 25 to conditions in a life insurance policy which would
71 26 invalidate the policy, to conform to the modern style of the
71 27 Code.
71 28 Code section 515A.6: Adds the indefinite article "a"
71 29 before the word "license" to improve the grammar of a
71 30 provision relating to applications for a license as a rating
71 31 organization.
71 32 Code section 515A.9: Adds the definite article "the"
71 33 before the word "applicant" to improve the grammar of a
71 34 provision relating to procedures associated with review of
71 35 rate information by rating organizations and insurers.



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72 1 Code section 521.1(4): Eliminates redundant language in
72 2 this Code section providing definitions for Code chapter 521,
72 3 relating to consolidation and merger of insurance companies.
72 4 Code section 524.1601(1): Makes a grammatical correction
72 5 to clarify that a bank director, officer, or employee who
72 6 commits a certain type of violation shall pay a fine as
72 7 provided therein, in addition to being subject to the criminal
72 8 penalty.
72 9 Code section 533D.6(1): Makes a grammatical correction in
72 10 a provision defining the term "control" for purposes of
72 11 approval of a change in control of a corporate delayed deposit
72 12 services licensee.
72 13 Code section 535B.4(7): Updates a citation to a 2005 Iowa
72 14 Acts provision with the codified citation.
72 15 Code section 535B.17: Makes a grammatical correction in a
72 16 series of items that may be required of mortgage banker and
72 17 mortgage broker licensees to conform to the verbs used in the
72 18 series.
72 19 Code sections 536.13(1) and 602.9116(1): Substitutes "any"
72 20 for "its" in provisions relating to findings made by the
72 21 superintendent of banking and the court administrator, both of
72 22 whom are individuals.
72 23 Code section 558.70(4): Adds "person or" in a provision
72 24 referencing an organization listed in Code section 535B.2,
72 25 subsections 1 through 7, to agree with the inclusion of
72 26 individuals in such list.
72 27 Code section 579B.1(4) and (12): Strikes the definition of
72 28 "open feedlot" and refers to the definition of open feedlot in
72 29 Code section 459A.102 in the only use of that term in Code
72 30 chapter 579B.
72 31 Code section 614.24: Strikes a redundant "shall" in a
72 32 provision requiring the preservation of certain claimed
72 33 reversionary interests in or use restrictions on land prior to
72 34 maintaining an action in regard to such interest or
72 35 restriction.



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73 1 Code section 680.8: Substitutes a reference to Code
73 2 section 680.7 for "the section" to agree with other language
73 3 used in Code section 680.8.
73 4 Code section 692.8A(4): Makes a grammatical correction
73 5 clarifying that the department of public safety is not
73 6 prohibited from disseminating a public health and safety
73 7 threat advisory or alert by press release or other method of
73 8 public communication.
73 9 Code sections 815.11 and 910.15(2)(d)(2) and (5):
73 10 Substitutes "this chapter" for internal references to the
73 11 applicable Code chapter.
73 12 Code section 915.94: Makes a grammatical correction by
73 13 providing that human trafficking victims are victims "under",
73 14 rather than "of", Code section 710A.2.
73 15 2006 Iowa Acts, chapter 1106, section 1: Corrects a
73 16 reference to the "effective date of this Act" in an Acts
73 17 provision enacting Code section 35A.14, by referring to the
73 18 section of the Act, which had an effective date of May 8,
73 19 2006, rather than the general July 1, 2006, effective date for
73 20 the Act.
73 21 2006 Iowa Acts, chapter 1153(3)(1)(c): Makes a grammatical
73 22 correction in an Acts provision enacting Code section 8F.3,
73 23 relating to recipient entity contractual requirements under
73 24 service contracts with oversight agencies, by inserting "and"
73 25 at the end of a series of items to be included in a nepotism
73 26 policy.
73 27 2006 Iowa Acts, chapter 1179(33): Corrects a lead-in in a
73 28 provision amending Code section 8.57, subsection 5, by adding
73 29 the word "Supplement" after the word "Code". Code section
73 30 8.57 was amended in 2005 and was republished in the 2005 Code
73 31 Supplement.
73 32 2006 Iowa Acts, chapter 1179(57): Corrects a reference to
73 33 a Code section pursuant to which moneys are deposited in the
73 34 new state aviation fund created by this Act in Code section
73 35 328.56, to take effect July 1, 2007. The appropriate



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74 1 reference is Code section 328.36 rather than Code section
74 2 328.21.
74 3 LSB 1585HC 82
74 4 lh:rj/es/88



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House Study Bill 197

HOUSE FILE
 BY (PROPOSED COMMITTEE ON HUMAN
 RESOURCES BILL BY
 CHAIRPERSON SMITH)

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to and making an appropriation for the office of
- 2 substitute decision maker under the department of elder
- 3 affairs.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2472YC 82
- 6 pf/es/88



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1 1 Section 1. APPROPRIATION == DEPARTMENT OF ELDER AFFAIRS ==
 1 2 OFFICE OF SUBSTITUTE DECISION MAKER. There is appropriated
 1 3 from the general fund of the state to the department of elder
 1 4 affairs for the fiscal year beginning July 1, 2007, and ending
 1 5 June 30, 2008, the following amount, or so much thereof as is
 1 6 necessary, to be used for the purpose designated:
 1 7 For the state office of substitute decision maker
 1 8 established pursuant to chapter 231E:
 1 9 \$ 635,126

EXPLANATION

1 10
 1 11 This bill makes an appropriation from the general fund of
 1 12 the state to the department of elder affairs for the office of
 1 13 substitute decision maker. The office was established in 2005
 1 14 Iowa Acts, chapter 175, within the department of elder affairs
 1 15 to create and administer a statewide network of substitute
 1 16 decision makers who provide substitute decision-making
 1 17 services if other substitute decision makers are not available
 1 18 to provide the services. Substitute decision makers include
 1 19 guardians, conservators, representative payees, attorneys in
 1 20 fact under a power of attorney, and personal representatives.
 1 21 Implementation of the office was made contingent upon
 1 22 availability of funding as determined by the department of
 1 23 elder affairs.
 1 24 LSB 2472YC 82
 1 25 pf:nh/es/88



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House Study Bill 198

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 billing notifications for water service
- 2 provided by a city utility for residential rental property.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1950HC 82
- 5 rn/je/5



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1 1 Section 1. Section 384.84, subsection 3, paragraph d, Code
1 2 2007, is amended to read as follows:

1 3 d. Residential rental property where a charge for water
1 4 service is separately metered and paid directly to the city
1 5 utility or enterprise by the tenant is exempt from a lien for
1 6 delinquent rates or charges associated with such water service
1 7 if the landlord gives written notice to the city utility or
1 8 enterprise that the property is residential rental property
1 9 and that the tenant is liable for the rates or charges. A
1 10 city utility or enterprise may require a deposit not exceeding
1 11 the usual cost of ninety days of water service to be paid to
1 12 the utility or enterprise. Upon receipt, the utility or
1 13 enterprise shall acknowledge the notice and deposit. A
1 14 written notice shall contain the ~~name of the tenant~~
~~1 15 responsible for charges~~, address of the residential rental
1 16 property that the tenant is to occupy, and the date that the
1 17 occupancy begins. ~~A change in tenant shall require a new~~
~~1 18 written notice to be given to the city utility or enterprise~~
~~1 19 within ten business days of the change in tenant.~~ When the
1 20 tenant moves from the rental property, the city utility or
1 21 enterprise shall return the deposit if the water service
1 22 charges are paid in full. A change in the ownership of the
1 23 residential rental property shall require written notice of
1 24 such change to be given to the city utility or enterprise
1 25 within ten business days of the completion of the change of
1 26 ownership. The lien exemption for rental property does not
1 27 apply to charges for repairs to a water service if the repair
1 28 charges become delinquent.

1 29 EXPLANATION

1 30 This bill relates to certain billing notifications required
1 31 by owners of residential rental property receiving water
1 32 service from a city utility. Under current law, if water
1 33 service is separately metered and paid directly by a tenant of
1 34 residential rental property, the owner of the property is
1 35 required to notify the city utility that the property is



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2 1 rental property, that the tenant is responsible for water
2 2 charges at the property, and the name of the tenant. Under
2 3 current law, the owner must also notify the city utility each
2 4 time there is a change in the tenant at the residential rental
2 5 property within 10 days of the change in tenant. The bill
2 6 strikes the requirement that the owner notify the city utility
2 7 of the name of the tenant and the requirement that the owner
2 8 notify the city utility each time there is a change in the
2 9 tenant at the residential rental property.
2 10 LSB 1950HC 82
2 11 rn:nh/je/5



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House Study Bill 199

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 regulation of underground storage tanks by the
- 2 department of natural resources, making appropriations, and
- 3 providing contingent effective date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1404DP 82
- 6 tm/es/88



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1 1 Section 1. Section 455B.474, subsection 1, paragraph b,
1 2 Code 2007, is amended to read as follows:

1 3 b. Maintaining records of any monitoring or leak detection
1 4 system, inventory control system, ~~or~~ tank testing or
1 5 comparable system, and periodic underground storage tank
1 6 facility compliance inspections conducted by inspectors
1 7 certified by the department.

1 8 Sec. 2. Section 455B.474, subsection 1, Code 2007, is
1 9 amended by adding the following new paragraph:

1 10 NEW PARAGRAPH. i. Establishing a certified compliance
1 11 inspector program administered by the department for
1 12 underground storage tank facility compliance inspections.

1 13 (1) The certified compliance inspector program shall
1 14 provide for, but not be limited to, all of the following:

1 15 (a) Mandatory periodic underground storage tank facility
1 16 compliance inspections by owners and operators using
1 17 inspectors certified by the department.

1 18 (b) Compliance inspector qualifications, certification
1 19 procedures, certification and renewal fees sufficient to cover
1 20 administrative costs, continuing education requirements,
1 21 inspector discipline standards including certification
1 22 suspension and revocation for good cause, compliance
1 23 inspection standards, professional liability bonding or
1 24 insurance requirements, and any other requirements as the
1 25 commission may deem appropriate. Certification and renewal
1 26 fees received by the department are appropriated to the
1 27 department for purposes of the administration of the certified
1 28 compliance inspector program.

1 29 (2) The department shall continue to conduct independent
1 30 inspections as provided in section 455B.475 as deemed
1 31 appropriate to assure effective compliance and enforcement and
1 32 for the purpose of auditing the accuracy and completeness of
1 33 inspections conducted by certified compliance inspectors.

1 34 (3) Acts or omissions by a certified compliance inspector,
1 35 the state, or the department regarding certification, renewal,



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2 1 oversight of the certification process, continuing education,
2 2 discipline, inspection standards, or any other actions, rules,
2 3 or regulations arising out of the certification, inspections,
2 4 or duties imposed by this section shall not be cause for a
2 5 claim against the state or the department within the meaning
2 6 of chapter 669 or any other provision of the Iowa Code.

2 7 Sec. 3. Section 455B.474, subsection 1, paragraph d,
2 8 subparagraph (2), subparagraph division (e), Code 2007, is
2 9 amended to read as follows:

2 10 (e) A site cleanup report which classifies a site as
2 11 either high risk, low risk, or no action required shall be
2 12 submitted by a groundwater professional to the department with
2 13 a certification that the report complies with the provisions
2 14 of this chapter and rules adopted by the department. The
2 15 report shall be determinative of the appropriate
2 16 classification of the site. However, if the report is found
2 17 to be inaccurate or incomplete, and if based upon information
2 18 in the report the risk classification of the site cannot be
2 19 reasonably determined by the department based upon industry
2 20 standards, the department shall work with the groundwater
2 21 professional to obtain the additional information necessary to
2 22 appropriately classify the site. A groundwater professional
2 23 who knowingly or intentionally makes a false statement or
2 24 misrepresentation which results in a mistaken classification
2 25 of a site shall be guilty of a serious misdemeanor and shall
2 26 have the groundwater professional's certification revoked
2 27 under this section ~~455C.18~~.

2 28 Sec. 4. Section 455B.474, subsection 1, paragraph f,
2 29 subparagraph (5), Code 2007, is amended to read as follows:

2 30 (5) A corrective action design report submitted by a
2 31 groundwater professional shall be accepted by the department
2 32 and shall be primarily relied upon by the department to
2 33 determine the corrective action response requirements of the
2 34 site. However, if the corrective action design report is
2 35 found to be inaccurate or incomplete, and if based upon



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3 1 information in the report the appropriate corrective action
3 2 response cannot be reasonably determined by the department
3 3 based upon industry standards, the department shall work with
3 4 the groundwater professional to obtain the additional
3 5 information necessary to appropriately determine the
3 6 corrective action response requirements. A groundwater
3 7 professional who knowingly or intentionally makes a false
3 8 statement or misrepresentation which results in an improper or
3 9 incorrect corrective action response shall be guilty of a
3 10 serious misdemeanor and shall have the groundwater
3 11 professional's certification revoked under this section
3 12 ~~455C.18~~.

3 13 Sec. 5. Section 455B.474, Code 2007, is amended by adding
3 14 the following new subsections:

3 15 NEW SUBSECTION. 8. Requirements as may be necessary to
3 16 maintain state program approval and which are consistent with
3 17 applicable provisions of the federal Energy Policy Act of
3 18 2005, Pub. L. No. 109-58, Title XV, Subtitle B, Underground
3 19 Storage Tank Compliance, as codified in 42 U.S.C. } 6991 et
3 20 seq.

3 21 a. The commission shall adopt rules establishing a
3 22 training program applicable to owners and operators of
3 23 underground storage tanks. The rules may include provisions
3 24 for department certification of operators, self-certification
3 25 by owners and operators, education and training requirements,
3 26 owner requirements to assure operator qualifications, and
3 27 assessment of education, training, and certification fees.
3 28 The rules shall be consistent with and sufficient to comply
3 29 with the operator training requirements as provided in 42
3 30 U.S.C. 6991i, guidance adopted pursuant to that provision by
3 31 the administrator of the United States environmental
3 32 protection agency, and state program approval requirements
3 33 under 42 U.S.C. 6991i(b).

3 34 b. The commission shall adopt rules consistent with and
3 35 sufficient to comply with the provisions of 42 U.S.C. 6991k,



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4 1 guidance adopted by the administrator of the United States
4 2 Environmental Protection Agency pursuant to that provision,
4 3 and state program approval requirements under 42 U.S.C.
4 4 6991k(a)(3).
4 5 c. The commission shall adopt rules applicable to
4 6 secondary containment requirements consistent with and
4 7 sufficient to comply with the provisions of Pub. L. 109=58,
4 8 Title XV, section 1530(a), as codified at 42 U.S.C.
4 9 6991b(i)(1), and guidance adopted by the administrator of the
4 10 United States environmental protection agency pursuant to that
4 11 provision. Rules adopted under this paragraph shall not amend
4 12 or modify the secondary containment requirements in subsection
4 13 1, paragraph "f", subparagraph (9).
4 14 NEW SUBSECTION. 9. a. Groundwater professionals shall be
4 15 certified. The commission shall adopt rules pursuant to
4 16 chapter 17A for such certifications, and the rules shall
4 17 include provisions for certification suspension or revocation
4 18 for good cause.
4 19 b. A groundwater professional is a person who provides
4 20 subsurface soil contamination and groundwater consulting
4 21 services or who contracts to perform remediation or corrective
4 22 action services and is one or more of the following:
4 23 (1) A person certified by the American institute of
4 24 hydrology, the national water well association, the American
4 25 board of industrial hygiene, or the association of groundwater
4 26 scientists and engineers.
4 27 (2) A professional engineer licensed in Iowa.
4 28 (3) A professional geologist certified by a national
4 29 organization.
4 30 (4) Any person who has five years of direct and related
4 31 experience and training as a groundwater professional or in
4 32 the field of earth sciences.
4 33 (5) Any other person with a license, certification, or
4 34 registration to practice hydrogeology or groundwater hydrology
4 35 issued by any state in the United States or by any national



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5 1 organization, provided that the license, certification, or
5 2 registration process requires, at a minimum, all of the
5 3 following:
5 4 (a) Possession of a bachelor's degree from an accredited
5 5 college.
5 6 (b) Five years of related professional experience.
5 7 c. The department of natural resources may provide for a
5 8 civil penalty of no more than fifty dollars for failure to
5 9 obtain certification. An interested person may obtain a list
5 10 of certified groundwater professionals from the department of
5 11 natural resources. The department may impose and retain a fee
5 12 for the certification of persons under this subsection
5 13 sufficient to cover the costs of administration.
5 14 d. The certification of groundwater professionals shall
5 15 not impose liability on the board, the department, or the fund
5 16 for any claim or cause of action of any nature, based on the
5 17 action or inaction of a groundwater professional certified
5 18 pursuant to this subsection.
5 19 e. A person who requests certification under this
5 20 subsection shall be required to attend a course of instruction
5 21 and pass a certification examination. An applicant who
5 22 successfully passes the examination shall be certified as a
5 23 groundwater professional.
5 24 f. All groundwater professionals shall be required to
5 25 complete continuing education requirements as adopted by rule
5 26 by the commission.
5 27 g. The commission may provide for exemption from the
5 28 certification requirements of this subsection and rules
5 29 adopted hereunder for a professional engineer licensed
5 30 pursuant to chapter 542B, if the person is qualified in the
5 31 field of geotechnical, hydrological, environmental
5 32 groundwater, or hydrogeological engineering.
5 33 h. Notwithstanding the certification requirements of this
5 34 subsection, a site cleanup report or corrective action design
5 35 report submitted by a certified groundwater professional shall



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6 1 be accepted by the department in accordance with subsection 1,
6 2 paragraph "d", subparagraph (2), subparagraph subdivision (e),
6 3 and paragraph "f", subparagraph (5).

6 4 NEW SUBSECTION. 10. Requirements that persons and
6 5 companies performing or providing services for underground
6 6 storage tank installations, installation inspections, testing,
6 7 and permanent closures be certified by the department. This
6 8 provision does not apply to persons performing services in
6 9 their official capacity and as authorized by the state fire
6 10 marshal's office or fire departments of political subdivisions
6 11 of the state. The rules adopted by the commission shall
6 12 include all of the following:

6 13 a. Establishing separate certification criteria applicable
6 14 to underground storage tank installers and installation
6 15 inspectors, underground storage tank testers, and persons
6 16 conducting underground storage tank closure activities as
6 17 required by commission rules.

6 18 b. Establishing minimum qualifications for certification
6 19 including but not limited to considerations based on
6 20 education, character, professional ethics, experience,
6 21 manufacturer or other private agency certification, training
6 22 and apprenticeship, and field demonstration of competence.
6 23 The rules may provide for exemption from education,
6 24 experience, and training requirements for a licensed engineer
6 25 for whom underground storage tank installation is within the
6 26 scope of their license and practice but shall require
6 27 compliance with other certification requirements.

6 28 c. Requiring a written examination developed and
6 29 administered by the department or by some other qualified
6 30 public or private entity identified by the department. The
6 31 department may contract with a public or private entity to
6 32 administer the department's examination or a department
6 33 approved third party examination. The examination shall, at a
6 34 minimum, be sufficient to establish knowledge of all
6 35 applicable underground storage tank rules adopted under this



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7 1 section, private industry standards, federal standards, and
7 2 other applicable standards adopted by the Iowa fire marshal's
7 3 office pursuant to chapter 101.

7 4 d. Providing for a minimum two-year renewable
7 5 certification period. A person may apply for a combined
7 6 certificate applicable to underground storage tank installer
7 7 and installer inspector certification, tester certification,
7 8 and closure certification.

7 9 e. Providing that certificate holders obtain and provide
7 10 proof of financial responsibility for environmental liability
7 11 with minimum liability limits of one million dollars per
7 12 occurrence and in the aggregate. The rules may provide
7 13 exemptions where the certificate holder is employed by the
7 14 owner or operator of the underground storage tank system and
7 15 the underground storage tank system is covered by a financial
7 16 responsibility mechanism under subsection 2.

7 17 f. Providing criteria for the department to take
7 18 disciplinary action including issuance of warnings,
7 19 reprimands, suspension and probation, and revocation. Any
7 20 certificate holder subject to suspension or revocation shall
7 21 be entitled to notice and an opportunity for an evidentiary
7 22 hearing as provided in section 17A.18.

7 23 g. Providing for certification reciprocity between states
7 24 upon demonstration that the out of state certification
7 25 criteria is substantially equivalent to rules adopted by the
7 26 commission.

7 27 h. Providing for assessment of fees sufficient to cover
7 28 the costs of administration of the certification program. A
7 29 separate fee may be established for persons applying for a
7 30 combination of installer and installer inspector, testing, or
7 31 closure certifications. Fees received by the department
7 32 pursuant to this subsection are appropriated to the department
7 33 for purposes of the administration of activities under this
7 34 subsection.

7 35 i. Notwithstanding subsection 7, the commission may adopt



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8 1 rules requiring that all underground storage tank
8 2 installations, installation inspections, testing, and closure
8 3 activities be conducted by persons certified in accordance
8 4 with this subsection.

8 5 j. Acts or omissions of a person certified under this
8 6 subsection, the state, or the department regarding
8 7 certification, renewal, oversight of the certification
8 8 process, continuing education, discipline, inspection
8 9 standards, or any other actions including department onsite
8 10 supervision of certified activities, rules, or regulations
8 11 arising out of the certification, shall not be cause for a
8 12 claim against the state or the department within the meaning
8 13 of chapter 669 or any other provision of the Code.

8 14 Sec. 6. Section 455H.105, subsection 5, Code 2007, is
8 15 amended to read as follows:

8 16 5. Adopt rules establishing requirements for the
8 17 submission, performance, and verification of site assessments,
8 18 cleanup plans, and certifications of completion. The rules
8 19 shall provide that all site assessments, cleanup plans, and
8 20 certifications of completion submitted by a participant shall
8 21 be prepared by or under the supervision of an appropriately
8 22 trained professional, including a groundwater professional
8 23 certified pursuant to section ~~455C.18~~ 455B.474.

8 24 Sec. 7. TRANSITIONAL PROVISIONS.

8 25 1. Not later than August 1, 2007, the environmental
8 26 protection commission shall adopt administrative rules
8 27 previously adopted by the Iowa comprehensive petroleum
8 28 underground storage tank fund board pursuant to section
8 29 455G.17 in existence on the effective date of this Act by
8 30 emergency rulemaking pursuant to section 17A.4, subsection 2,
8 31 and section 17A.5, subsection 2, paragraph "b". The rules
8 32 shall become effective immediately upon filing or on a later
8 33 effective date specified in the rules. Any rules adopted in
8 34 accordance with the provisions of this section shall also be
8 35 published as notice of intended action as provided in section
9 1 17A.4.

9 2 2. Following the adoption of emergency rules, the
9 3 commission shall commence rulemaking procedures for the
9 4 administration of section 455B.474, subsection 10.

9 5 3. Any registration or certification issued pursuant to
9 6 section 455G.17 shall continue in full force and effect until
9 7 expiration or renewal.

9 8 Sec. 8. Section 455G.17, Code 2007, is repealed.

9 9 Sec. 9. Section 455G.18, Code 2007, is repealed.

9 10 Sec. 10. CONTINGENT EFFECTIVE DATE. The section of this
9 11 Act repealing section 455G.17, shall take effect upon the Code
9 12 editor's receipt of notice from the environmental protection
9 13 commission stating that emergency rules required under the
9 14 section of this Act relating to transitional provisions have
9 15 taken effect.

9 16 EXPLANATION

9 17 This bill relates to the regulation of underground storage
9 18 tanks by the department of natural resources.

9 19 The bill requires the maintaining of records by owners and
9 20 operators of underground storage tanks for periodic
9 21 underground storage tank facility compliance inspections



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9 22 conducted by inspectors certified by the department.
9 23 The bill requires the department to administer a certified
9 24 compliance inspector program for underground storage tank
9 25 facility compliance inspections. The bill provides that the
9 26 program shall include mandatory periodic underground storage
9 27 tank facility compliance inspections by owners and operators
9 28 using inspectors certified by the department. The bill
9 29 requires the department to continue to conduct independent
9 30 inspections as deemed appropriate. The bill appropriates
9 31 moneys received by the department for certification and
9 32 renewal fees for purposes of the administration of the
9 33 certified compliance inspector program. The bill provides
9 34 that acts or omissions of the certified compliance inspectors,
9 35 the state, or the department regarding certification, renewal,



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10 1 oversight of the certification process, continuing education,
10 2 discipline, inspection standards, or any other actions, rules,
10 3 or regulations arising out of the certification, inspections,
10 4 or duties imposed by these provisions shall not be cause for a
10 5 claim against the state or the department.

10 6 The bill requires the environmental protection commission
10 7 to adopt rules for requirements as may be necessary to
10 8 maintain state program approval and which are consistent with
10 9 applicable provisions of the federal Energy Policy Act of
10 10 2005, Pub. L. No. 109=58, Title XV, Subtitle B, Underground
10 11 Storage Tank Compliance, as codified in 42 U.S.C. 6991 et seq.
10 12 The bill provides that the commission shall adopt rules
10 13 establishing a training program applicable to owners and
10 14 operators of underground storage tanks. The bill provides
10 15 that the rules may include provisions for department
10 16 certification of operators, self-certification by owners and
10 17 operators, education and training requirements, owner
10 18 requirements to assure operator qualifications, and assessment
10 19 of education, training, and certification fees. The bill
10 20 requires the rules to be consistent with and sufficient to
10 21 comply with certain federal requirements.

10 22 The bill repeals Code section 455G.17 relating to
10 23 certification of different classes of persons as underground
10 24 storage tank installation inspectors. The repeal takes effect
10 25 upon the Code editor's receipt of notice from the
10 26 environmental protection commission stating that emergency
10 27 rules required under this bill have taken effect.

10 28 The bill repeals Code section 455G.18 relating to the
10 29 certification of groundwater professionals and moves
10 30 substantially the same provisions to Code chapter 455B. The
10 31 bill removes a requirement that certification courses and
10 32 examinations be held by the administrator of the Iowa
10 33 comprehensive petroleum underground storage tank fund and
10 34 removes other outdated provisions. The bill makes conforming
10 35 amendments.



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11 1 The bill requires that persons and companies performing or
11 2 providing services for underground storage tank installations,
11 3 installation inspections, testing, and permanent closures be
11 4 certified by the department. The bill provides that the rules
11 5 shall include establishing separate certification criteria
11 6 applicable to underground storage tank installers and
11 7 installation inspectors, underground storage tank testers, and
11 8 persons conducting underground storage tank closure
11 9 activities, establishing minimum qualifications for
11 10 certification, requiring a written examination developed and
11 11 administered by the department or by some other qualified
11 12 public or private entity identified by the department,
11 13 providing for a minimum two-year renewable certification
11 14 period, allowing a person to apply for a combined certificate,
11 15 providing that certificate holders obtain and provide proof of
11 16 financial responsibility for environmental liability with
11 17 minimum liability limits of \$1 million per occurrence and in
11 18 the aggregate, providing criteria for the department to take
11 19 disciplinary action against certificate holders, and providing
11 20 for certification reciprocity between states, providing for
11 21 assessment of fees sufficient to cover the costs of
11 22 administration of the certification program. The bill that
11 23 fees received by the department are appropriated to the
11 24 department for purposes of the administration of these
11 25 provisions. The bill allows the adoption of rules requiring
11 26 that all underground storage tank installations, installation
11 27 inspectors, testing, and closure activities be conducted by
11 28 persons certified pursuant to these provisions. The bill
11 29 provides that acts or omissions of certified persons, the
11 30 state, or the department regarding certification, renewal,
11 31 oversight of the certification process, continuing education,
11 32 discipline, inspection standards, or any other actions
11 33 including department onsite supervision of certified
11 34 activities, rules, or regulations arising out of the
11 35 certification, shall not be cause for a claim against the



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12 1 state or the department.
12 2 The bill provides that, not later than August 1, 2007, the
12 3 environmental protection commission shall adopt administrative
12 4 rules previously adopted by the Iowa comprehensive petroleum
12 5 underground storage tank fund board pursuant to Code section
12 6 455G.17 in existence on the effective date of this Act by
12 7 emergency rulemaking. The bill provides that, following the
12 8 adoption of emergency rules, the commission shall commence
12 9 rulemaking procedures for the administration of Code section
12 10 455B.474, subsection 10. The bill provides that any
12 11 registration or certification issued pursuant to Code section
12 12 455G.17 shall continue in full force and effect until
12 13 expiration or renewal.
12 14 LSB 1404DP 82
12 15 tm:nh/es/88.1



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House Study Bill 200

SENATE/HOUSE FILE
BY (PROPOSED IOWA FINANCE
AUTHORITY BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to mortgage release certificates issued by the
- 2 Iowa finance authority.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1302DP 82
- 5 tm/sh/8



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1 1 Section 1. Section 16.92, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:

1 3 NEW PARAGRAPH. aa. "Division board" means the board of
1 4 directors of the title guaranty division of the Iowa finance
1 5 authority.

1 6 Sec. 2. Section 16.92, subsection 1, paragraph b, Code
1 7 2007, is amended to read as follows:

1 8 b. "Mortgage" means a mortgage or mortgage lien on an
1 9 interest in real property in this state given to secure a loan
1 10 in an original principal amount ~~of five hundred thousand~~
~~1 11 dollars or less~~ equal to or less than the maximum amount as
1 12 determined by the division board.

1 13 Sec. 3. Section 16.92, subsection 3, paragraph b, Code
1 14 2007, is amended to read as follows:

1 15 b. A statement that the original mortgage principal was in
1 16 an amount ~~of five hundred thousand dollars or less~~ equal to or
1 17 less than the maximum amount as determined by the division
1 18 board and adopted by the authority pursuant to chapter 17A.

1 19 Sec. 4. Section 16.92, subsection 8, Code 2007, is
1 20 amended to read as follows:

1 21 8. APPLICATION. This section applies only to a mortgage
1 22 in an original principal amount ~~of five hundred thousand~~
~~1 23 dollars or less~~ equal to or less than the maximum amount as
1 24 determined by the division board and adopted by the authority
1 25 pursuant to chapter 17A.

1 26 EXPLANATION

1 27 This bill relates to mortgage release certificates issued
1 28 by the Iowa finance authority.

1 29 Currently, the title guaranty division of the Iowa finance
1 30 authority may issue mortgage release certificates on mortgages
1 31 with an original principal amount of \$500,000 or less. The
1 32 bill changes the original principal amount of \$500,000 to an
1 33 amount equal to or less than the maximum amount as determined
1 34 by the board of directors of the title guaranty division and
1 35 adopted by rule by the Iowa finance authority.



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House Study Bill 200 continued

2 1 LSB 1302DP 82
2 2 tm:sc/sh/8



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House Study Bill 201

SENATE/HOUSE FILE
 BY (PROPOSED TREASURER OF
 STATE BILL)

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

A BILL FOR

1 An Act relating to the issuance of gift cards and gift
 2 certificates, including providing for abandonment,
 3 establishing restrictions on fees and charges, prohibiting
 4 expiration dates and other restrictive terms, and making
 5 penalties applicable.
 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 7 TLSB 1215XD 82
 8 rn/gg/14

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1 1 Section 1. NEW SECTION. 555D.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Gift card" means an electronic payment instrument in
1 5 the form of a plastic card or similar physical medium,
1 6 commonly known as a stored value or prepaid card, in which the
1 7 monetary value is recorded on the card itself or at a central
1 8 database, and which represents a promise by the issuer of the
1 9 card that consumer goods, services, or whatever else the
1 10 issuer provides will be rendered to the bearer of the
1 11 instrument in exchange for monetary value stated or stored on
1 12 or credited to the instrument, but excludes a debit card
1 13 linked to a deposit account in a banking or financial
1 14 organization, a payroll debit card, a government benefit card,
1 15 a flexible spending card, an insurance claim card, an employee
1 16 reward card, a travel expense card, a transportation card, and
1 17 similar electronic payment instruments.
1 18 2. "Gift certificate" means a payment instrument in paper
1 19 or electronic form that represents the promise of the issuer
1 20 of the certificate that goods, services, or whatever else the
1 21 issuer provides will be rendered to the bearer of the
1 22 certificate up to the value of the certificate in the amount
1 23 of money stated on the face of the certificate.
1 24 3. "Issuer" means the retailer, merchant, or vendor who
1 25 issued a gift card or gift certificate, or a provider of
1 26 services, that has the obligation to accept the gift card or
1 27 gift certificate as payment and deliver goods, provide
1 28 services, or render whatever else may be purchased by the card
1 29 or certificate.
1 30 Sec. 2. NEW SECTION. 555D.2 EXPIRATION DATES PROHIBITED
1 31 == EXCEPTIONS.
1 32 1. Except as provided in subsection 2, an issuer of a gift
1 33 card or gift certificate in this state shall not:
1 34 a. Issue a gift card or gift certificate that has an
1 35 expiration date or enforce an expiration date against the



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- 2 1 bearer of a gift card or gift certificate.
- 2 2 b. Assess or deduct any charge or fee from the monetary
- 2 3 value of a gift card or gift certificate, including but not
- 2 4 limited to a service, maintenance, cash-out, reactivation,
- 2 5 replacement card, dormancy, or inactivity fee.
- 2 6 c. If a transaction is made with a gift certificate for an
- 2 7 amount that is less than the value of the certificate, fail or
- 2 8 refuse to do one of the following:
- 2 9 (1) Pay the unused balance of the certificate's value to
- 2 10 the bearer.
- 2 11 (2) Issue to the bearer a new card or certificate for the
- 2 12 unused value.
- 2 13 d. If the remaining value of a gift card or gift
- 2 14 certificate is less than five dollars, fail or refuse to
- 2 15 redeem that card or certificate in cash for its remaining
- 2 16 value on demand of the bearer.
- 2 17 e. If a gift card or gift certificate remains unused or
- 2 18 unredeemed for more than three years after it was sold or
- 2 19 issued, fail or refuse to administer the unused or unredeemed
- 2 20 proceeds of the card or certificate in accordance with the
- 2 21 provisions of chapter 556.
- 2 22 2. a. A person or entity may enforce against the bearer
- 2 23 an expiration date in a gift card or a gift certificate in
- 2 24 circumstances where:
- 2 25 (1) The gift card or gift certificate is issued pursuant
- 2 26 to an awards, loyalty, or promotional program or in other
- 2 27 similar circumstances where no money or other thing of value
- 2 28 is given in exchange for the card or certificate.
- 2 29 (2) The gift card or gift certificate is donated to a
- 2 30 charitable organization without any money or other thing of
- 2 31 value being given in exchange for the card or certificate and
- 2 32 the charitable organization uses the card or certificate
- 2 33 solely to provide its charitable services or for its
- 2 34 fund-raising activities.
- 2 35 b. An expiration date displayed on a gift card or gift



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3 1 certificate which was issued or donated as described in
3 2 paragraph "a", subparagraph (1) or (2), shall be disclosed
3 3 clearly and legibly on the gift card or gift certificate in a
3 4 location on the card or certificate where it is visible to any
3 5 purchaser before purchasing the card or certificate, and shall
3 6 be at least one year from the date the gift card or gift
3 7 certificate is issued and delivered to the bearer.

3 8 3. The provisions of subsection 1 shall not apply to a
3 9 gift card or gift certificate issued by a banking or financial
3 10 organization, as defined in section 556.1, that is organized
3 11 under the federal National Bank Act, 12 U.S.C. } 12, et seq.,
3 12 or the federal Home Owners' Loan Act, 12 U.S.C. } 1461, et
3 13 seq., if all of the following conditions are met:

3 14 a. The federal statutory law and regulations applicable to
3 15 the gift card or gift certificate explicitly permit the
3 16 banking or financial organization to issue the gift card or
3 17 the gift certificate and to impose the expiration dates and
3 18 the type and amount of service fees that the banking or
3 19 financial organization imposes, in the manner in which the
3 20 banking or financial organization has done so.

3 21 b. The banking or financial organization alone has the
3 22 liability to the purchaser or bearer of the gift card or gift
3 23 certificate to redeem the card or certificate.

3 24 c. The contractual relationship in regard to the gift card
3 25 or the gift certificate is solely between the issuing banking
3 26 or financial organization and the purchaser or bearer of the
3 27 card or certificate.

3 28 d. Only the banking or financial organization establishes
3 29 the terms and conditions of the gift card or gift certificate.

3 30 e. Only the banking or financial organization charges,
3 31 retains, and profits from any fees associated with the gift
3 32 card or gift certificate.

3 33 Sec. 3. NEW SECTION. 555D.3 PENALTIES.

3 34 A violation of this chapter is an unlawful practice under
3 35 section 714.16, and is additionally subject to the penalty



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4 1 provisions of section 537.5201.
4 2 Sec. 4. NEW SECTION. 556.8A GIFT CARDS AND GIFT
4 3 CERTIFICATES.
4 4 1. For purposes of this section, unless the context
4 5 otherwise requires:
4 6 a. "Domicile" means the state of incorporation of an
4 7 issuer that is a corporation and the state of the principal
4 8 place of business of an issuer that is not a corporation.
4 9 b. "Gift card", "gift certificate", and "issuer" mean the
4 10 same as defined in section 555D.1.
4 11 2. A gift card or gift certificate that remains unused or
4 12 unredeemed for more than three years after it was sold or
4 13 issued is presumed abandoned unless the owner or bearer of
4 14 that card or certificate has within three years either:
4 15 a. Increased or decreased the amount of the value stated
4 16 or stored on, credited to, or represented by the card or
4 17 certificate.
4 18 b. Communicated with the issuer of the card or certificate
4 19 concerning the value of or the balance remaining on the card
4 20 or certificate, in writing or by other means as shown in a
4 21 contemporaneous record prepared by or on behalf of the issuer.
4 22 3. The proceeds of a gift card or gift certificate
4 23 presumed abandoned is the monetary value of the card or
4 24 certificate at the time that the card or certificate is
4 25 presumed abandoned.
4 26 4. A gift card or gift certificate that is presumed
4 27 abandoned is subject to the custody of the treasurer of state
4 28 in any of the following circumstances:
4 29 a. The last known address of the purchaser or bearer of
4 30 the card or certificate, as shown on the records of the
4 31 issuer, is in this state.
4 32 b. The records of the issuer do not show the identity of
4 33 the purchaser or bearer of the card or certificate, but it is
4 34 established that the last known address of the purchaser or
4 35 bearer is in this state.



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5 1 c. The records of the issuer of the card or certificate do
5 2 not show any last known address of the purchaser or bearer and
5 3 the issuer is domiciled in this state.

5 4 d. The records of the issuer show that the last known
5 5 address of the purchaser or bearer is in a state that does not
5 6 provide for the escheat or custodial taking of a gift card or
5 7 gift certificate or is in a foreign country and the issuer is
5 8 domiciled in this state.

5 9 e. The records of the seller or issuer show that the gift
5 10 card or gift certificate was purchased or issued in this
5 11 state, the issuer is domiciled in a state that does not
5 12 provide for the escheat or custodial taking of a gift card or
5 13 gift certificate, and the last known address of the purchaser
5 14 or bearer is unknown or in a state that does not provide for
5 15 the escheat or custodial taking of a gift card or gift
5 16 certificate.

5 17 5. The expiration of any period of time for the use or
5 18 redemption of a gift card or gift certificate issued in a
5 19 state permitting an expiration date shall not prevent an
5 20 unused or unredeemed gift card or gift certificate from being
5 21 presumed abandoned and shall not affect the duty of the issuer
5 22 to report and deliver the proceeds of those unused cards or
5 23 unredeemed certificates to the treasurer of state as provided
5 24 in this chapter.

5 25 6. An issuer may redeem a gift card or gift certificate
5 26 after that card or certificate was presumed abandoned and the
5 27 proceeds delivered into the custody of the treasurer of state,
5 28 and the treasurer of state shall reimburse the issuer as
5 29 provided in section 556.14, subsection 4.

5 30 7. It shall be contrary to public policy for an issuer to
5 31 organize or form a subsidiary business entity to be the issuer
5 32 of its gift cards or gift certificates if doing so would
5 33 result in a disposition of unused or unredeemed gift cards or
5 34 gift certificates other than as provided in this section and
5 35 subject to the custody of the treasurer of state.



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House Study Bill 200 continued

7 1 The bill prohibits the issuance of a gift card or gift
7 2 certificate in Iowa that has an expiration date or the
7 3 enforcing of an expiration date against the bearer of a gift
7 4 card or gift certificate. The bill also prohibits assessing
7 5 or deducting any charge or fee from the monetary value of a
7 6 gift card or a gift certificate, including but not limited to
7 7 a service, maintenance, cash-out, reactivation, replacement
7 8 card, dormancy, or inactivity fee. Additionally, an issuer
7 9 may not fail or refuse to pay the unused balance or issue a
7 10 new card or certificate for that balance if a transaction is
7 11 made with a gift certificate for an amount that is less than
7 12 the value of the certificate, fail or refuse to redeem a card
7 13 or certificate in cash for a remaining value of less than five
7 14 dollars, or fail or refuse to administer a card or certificate
7 15 which remains unused or unredeemed for more than three years
7 16 after it was sold or issued in accordance with the unclaimed
7 17 property provisions of Code chapter 556.

7 18 The bill provides for exceptions to the prohibition against
7 19 expiration dates. The bill provides that a gift card or gift
7 20 certificate may be issued with an expiration date if issued
7 21 pursuant to an awards, loyalty, or promotional program or
7 22 similar circumstances where no money or other thing of value
7 23 is given in exchange for the card or certificate, or if
7 24 donated to a charitable organization without any money or
7 25 other thing of value being given in exchange for the card or
7 26 certificate and the charitable organization uses the card or
7 27 certificate solely to provide its charitable services or for
7 28 its fund-raising activities. In either of these situations,
7 29 the bill provides that an expiration date shall be disclosed
7 30 clearly and legibly on the gift card or gift certificate and
7 31 that the expiration date shall be at least one year from the
7 32 date the gift card or gift certificate is issued and delivered
7 33 to the bearer.

7 34 The bill also specifies that the prohibition shall not
7 35 extend to a gift card or gift certificate issued by a banking



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House Study Bill 200 continued

8 1 or financial organization organized under the federal National
8 2 Bank Act or the federal Home Owners' Loan Act, if several
8 3 specified conditions are met.

8 4 The bill prescribes that an issuer in violation of these
8 5 provisions shall be subject to the consumer fraud provisions
8 6 of Code section 716.14, and shall additionally be subject to a
8 7 civil action under Code section 537.5201 in which actual
8 8 damages may be recovered and a penalty assessed in an amount
8 9 not less than \$100 nor more than \$1,000 per violation.

8 10 With reference to Code chapter 556, the bill provides that
8 11 a gift card or gift certificate that remains unused or
8 12 unredeemed for more than three years after it was sold or
8 13 issued is presumed abandoned unless the owner or bearer has
8 14 within the three years either increased or decreased the
8 15 amount of the value stated or stored on, credited to, or
8 16 represented by the card or certificate; or communicated with
8 17 the issuer of the card or certificate concerning the value of
8 18 or the balance remaining on the card or certificate. If
8 19 presumed abandoned, the bill states that the proceeds of a
8 20 gift card or certificate shall be the monetary value of the
8 21 card or certificate at the time that it is presumed abandoned.
8 22 The bill specifies the various instances in which the
8 23 treasurer of state shall assume custody of the gift card or
8 24 certificate presumed abandoned, and provides that an issuer
8 25 may redeem a gift card or gift certificate after that card or
8 26 certificate was presumed abandoned and the proceeds delivered
8 27 into the custody of the treasurer of state, with reimbursement
8 28 by the treasurer of state. The bill states that an issuer
8 29 shall not form a subsidiary business entity to be the issuer
8 30 of its gift cards or gift certificates if doing so would
8 31 result in a disposition of unused or unredeemed gift cards or
8 32 gift certificates other than as provided in the bill and
8 33 subject to the custody of the treasurer of state. The bill
8 34 provides an exception from these unclaimed property provisions
8 35 for gift cards or certificates issued pursuant to an awards,
9 1 loyalty, or promotional program or donated to a charitable
9 2 organization. The bill states that the new provisions
9 3 relating to Code chapter 556 do not relieve an issuer of an
9 4 obligation arising prior to the effective date of the bill to
9 5 report and pay the proceeds of an unused gift card or an
9 6 unredeemed gift certificate to the treasurer of state.

9 7 The bill repeals a provision in Code chapter 556 which
9 8 currently permits the deduction from the face value of a gift
9 9 certificate a charge imposed due to the failure of the owner
9 10 of the gift certificate to present the gift certificate in a
9 11 timely manner if a valid and enforceable written contract
9 12 exists between the issuer and the owner of the gift
9 13 certificate and the issuer regularly imposes such charges and
9 14 does not regularly reverse or otherwise cancel them.

9 15 LSB 1215XD 82

9 16 rn:nh/gg/14.2



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Senate Amendment 3034

PAG LIN

1 1 Amend Senate File 78 as follows:
 1 2 #1. Page 6, line 23, by inserting after the word
 1 3 <registration.> the following: <All penalties
 1 4 collected pursuant to this section shall be forwarded
 1 5 by the commission to the treasurer of state, who shall
 1 6 place the money in the state fish and game protection
 1 7 fund. The money so collected is appropriated to the
 1 8 commission solely for the administration and
 1 9 enforcement of navigation laws and water safety.>
 1 10 #2. Title page, line 3, by striking the words <and
 1 11 making penalties applicable> and inserting the
 1 12 following: <making penalties applicable, and making
 1 13 an appropriation>.
 1 14
 1 15
 1 16
 1 17 TOM HANCOCK
 1 18 DENNIS H. BLACK
 1 19 LARRY NOBLE
 1 20 SF 78.701 82
 1 21 av/gg/5472
 1 22
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Senate File 179 - Introduced

SENATE FILE

BY McKIBBEN, ANGELO, PUTNEY,
 LUNDBY, BEHN, GASKILL, SEYMOUR,
 NOBLE, ZAUN, McKINLEY, MULDER,
 JOHNSON, WARD, HARTSUCH, ZIEMAN,
 BOETTGER, KETTERING, WIECK,
 HOUSER, and HAHN

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing a small business health care tax credit, and
- 2 providing for a retroactive applicability date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2008XS 82
- 5 av/gg/14



Iowa General Assembly
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Senate File 179 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.11T SMALL BUSINESS HEALTH
1 2 CARE TAX CREDIT.
1 3 1. a. The taxes imposed under this division, less the
1 4 amounts of nonrefundable credits allowed under this division,
1 5 shall be reduced by a small business health care tax credit,
1 6 to the extent available, for the cost to a small business of
1 7 providing health care benefits or contributions to employees
1 8 of the business. The amount of the credit for each employee
1 9 equals the first one thousand dollars of the cost of providing
1 10 health care benefits to the employee or the first one thousand
1 11 dollars of the contribution made on behalf of the employee to
1 12 a health savings account of that employee.
1 13 b. The total amount of all credits for all employees under
1 14 paragraph "a" shall not exceed twenty-five thousand dollars.
1 15 c. For purposes of this section:
1 16 (1) "Health savings account" means a health savings
1 17 account as defined in section 223(d) of the Internal Revenue
1 18 Code.
1 19 (2) "Small business" means a for-profit enterprise that
1 20 employed during the tax year less than fifty full-time
1 21 equivalent employees.
1 22 d. Any credit in excess of the tax liability shall be
1 23 refunded. In lieu of claiming a refund, a taxpayer may elect
1 24 to have the overpayment shown on the taxpayer's final,
1 25 completed return credited to the tax liability for the
1 26 following taxable year.
1 27 2. An individual may claim a small business health care
1 28 tax credit allowed a partnership, limited liability company, S
1 29 corporation, estate, or trust electing to have the income
1 30 taxed directly to the individual. The amount claimed by the
1 31 individual shall be based upon the pro rata share of the
1 32 individual's earnings of the partnership, limited liability
1 33 company, S corporation, estate, or trust.
1 34 3. A taxpayer claiming a credit under this section shall
1 35 not be precluded, in computing taxable income, from deducting



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Senate File 179 - Introduced continued

2 1 the amount of costs for providing health care benefits allowed
2 2 under any section of the Internal Revenue Code.

2 3 4. To receive the small business health care tax credit, a
2 4 small business must submit an application to the department.

2 5 If the taxpayer meets the criteria for eligibility, the
2 6 department shall issue to the taxpayer a certification of
2 7 entitlement for the small business health care tax credit.

2 8 However, the combined amount of tax credits that may be
2 9 approved for a fiscal year under this section, section 422.33,
2 10 subsection 24, section 422.60, subsection 13, section 432.12J,
2 11 and section 533.24, subsection 11, shall not exceed the amount
2 12 specified in subsection 5. Tax credit certificates shall be
2 13 issued on an earliest filed application basis. The
2 14 certification must contain the taxpayer's name, address, tax
2 15 identification number, the amount of the credit, and tax year
2 16 for which the certificate applies. The taxpayer shall file
2 17 the tax credit certificate with the taxpayer's tax return in
2 18 order to claim the tax credit. The department shall adopt
2 19 rules to administer this section and shall provide by rule for
2 20 the method to be used to determine for which fiscal year the
2 21 tax credits are approved.

2 22 5. For purposes of subsection 4, the combined amount of
2 23 small business health care tax credits that may be approved in
2 24 a fiscal year is as follows:

2 25 a. For the fiscal year beginning July 1, 2007, the
2 26 combined amount equals fifty million dollars.

2 27 b. For the fiscal year beginning July 1, 2008, the
2 28 combined amount equals one hundred million dollars.

2 29 c. For the fiscal year beginning July 1, 2009, the
2 30 combined amount equals one hundred fifty million dollars.

2 31 d. For the fiscal year beginning July 1, 2010, the
2 32 combined amount equals two hundred million dollars.

2 33 e. For each fiscal year beginning on or after July 1,
2 34 2011, the combined amount equals two hundred fifty million
2 35 dollars.



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Senate File 179 - Introduced continued

3 1 Sec. 2. Section 422.33, Code 2007, is amended by adding
3 2 the following new subsection:
3 3 NEW SUBSECTION. 24. The taxes imposed under this division
3 4 shall be reduced by a small business health care tax credit,
3 5 to the extent available, provided for in section 422.11T. The
3 6 tax credit shall be subject to the same conditions,
3 7 requirements, and dollar limitations as provided for in
3 8 section 422.11T.

3 9 Sec. 3. Section 422.60, Code 2007, is amended by adding
3 10 the following new subsection:
3 11 NEW SUBSECTION. 13. The taxes imposed under this division
3 12 shall be reduced by a small business health care tax credit,
3 13 to the extent available, provided for in section 422.11T. The
3 14 tax credit shall be subject to the same conditions,
3 15 requirements, and dollar limitations as provided for in
3 16 section 422.11T.

3 17 Sec. 4. NEW SECTION. 432.12J SMALL BUSINESS HEALTH CARE
3 18 TAX CREDIT.

3 19 The taxes imposed under this chapter shall be reduced by a
3 20 small business health care tax credit, to the extent
3 21 available, provided for in section 422.11T. The tax credit
3 22 shall be subject to the same conditions, requirements, and
3 23 dollar limitations as provided for in section 422.11T.

3 24 Sec. 5. Section 533.24, Code 2007, is amended by adding
3 25 the following new subsection:

3 26 NEW SUBSECTION. 11. The moneys and credits tax imposed
3 27 under this section shall be reduced by a small business health
3 28 care tax credit, to the extent available, provided for in
3 29 section 422.11T. The tax credit shall be subject to the same
3 30 conditions, requirements, and dollar limitations as provided
3 31 for in section 422.11T.

3 32 Sec. 6. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE.
3 33 This Act applies retroactively to January 1, 2007, for tax
3 34 years beginning on or after that date.

3 35 EXPLANATION



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Senate File 179 - Introduced continued

4 1 This bill provides for a small business health care tax
4 2 credit. The credit can be used to reduce the individual and
4 3 corporate income taxes, franchise tax, premiums tax, and
4 4 moneys and credits tax liabilities. A small business is a
4 5 for-profit enterprise with fewer than 50 permanent full-time
4 6 equivalent employees during the tax year. To be eligible for
4 7 the credit, the small business must provide health care
4 8 benefits to its employees or contribute to health savings
4 9 accounts established for them pursuant to federal law. The
4 10 amount of the credit equals the first \$1,000 of the cost of
4 11 the benefits or the first \$1,000 of the contribution to the
4 12 account. The total credits for the business cannot exceed
4 13 \$25,000. Any excess credit is refundable or the excess may be
4 14 carried forward to the next tax year.

4 15 The bill provides for a limit on the combined amount of
4 16 credits that may be approved in a fiscal year. For the first
4 17 fiscal year, FY 2007=2008, \$50 million may be approved. The
4 18 amount increases by \$50 million for each subsequent fiscal
4 19 year until the maximum of \$250 million may be approved for FY
4 20 2011=2012 and each subsequent fiscal year.

4 21 The bill applies retroactively to January 1, 2007, for tax
4 22 years beginning on or after that date.

4 23 LSB 2008XS 82

4 24 av:rj/gg/14



Iowa General Assembly
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February 15, 2007

Senate File 180 - Introduced

SENATE FILE

BY McKIBBEN, ANGELO, PUTNEY,
LUNDBY, BEHN, GASKILL, SEYMOUR,
NOBLE, ZAUN, McKINLEY, MULDER,
JOHNSON, WARD, HARTSUCH, ZIEMAN,
BOETTGER, KETTERING, WIECK,
HOUSER, and HAHN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the criminal penalties for certain offenses
2 involving sexual abuse in the second degree, lascivious acts
3 with a child, and sexual exploitation, and establishing a duty
4 to inform law enforcement about a registered sex offender.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2254XS 82
7 jm/gg/14



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Senate File 180 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 692A.7A DUTY TO INFORM LAW
1 2 ENFORCEMENT == PENALTY.
1 3 A person commits a class "D" felony if the person knows
1 4 that another person is required to register under this chapter
1 5 and that the other person is not in compliance with this
1 6 chapter or is eluding a law enforcement agency that is seeking
1 7 to find the other person, and the person does any of the
1 8 following acts:
1 9 1. Withholds information from or fails to notify a law
1 10 enforcement agency about the whereabouts of the other person.
1 11 2. Provides materially false information to a peace
1 12 officer about the other person.
1 13 3. Harbors the other person.
1 14 4. Conceals the other person.
1 15 Sec. 2. Section 902.9, unnumbered paragraph 1, Code 2007,
1 16 is amended to read as follows:
1 17 The maximum sentence for any person convicted of a felony
1 18 shall be that prescribed by statute or, if not prescribed by
1 19 statute, if other than a class "A" or class "B1" felony shall
1 20 be determined as follows:
1 21 Sec. 3. NEW SECTION. 902.9A CLASS "B1" FELONS.
1 22 A person convicted of a class "B1" felony shall be confined
1 23 for a term of years as ordered by the court at the time of
1 24 sentencing. The minimum term of confinement shall be twenty=
1 25 five years and the maximum term of confinement may be for the
1 26 rest of the defendant's life.
1 27 Sec. 4. NEW SECTION. 902.15 SEXUAL ABUSE, LASCIVIOUS
1 28 ACTS, OR SEXUAL EXPLOITATION == ENHANCEMENT.
1 29 Notwithstanding the penalty for a violation of section
1 30 709.3, 709.8, or 728.12, if a person eighteen years of age or
1 31 older commits an offense against a child twelve years of age
1 32 or younger in violation of section 709.3, 709.8, or 728.12,
1 33 subsection 1, the person commits a class "B1" felony and shall
1 34 be denied parole or work release until the term of the
1 35 sentence ordered pursuant to section 902.9A has been served.



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Senate File 180 - Introduced continued

2 1 Sec. 5. Section 903A.2, subsection 1, unnumbered paragraph
2 2 1, Code 2007, is amended to read as follows:

2 3 Each inmate committed to the custody of the director of the
2 4 department of corrections is eligible to earn a reduction of
2 5 sentence, except as provided in paragraph "c", in the manner
2 6 provided in this section. For purposes of calculating the
2 7 amount of time by which an inmate's sentence may be reduced,
2 8 inmates shall be grouped into the following ~~two~~ three
2 9 sentencing categories:

2 10 Sec. 6. Section 903A.2, subsection 1, Code 2007, is
2 11 amended by adding the following new paragraph:

2 12 NEW PARAGRAPH. c. Category "C" sentences are those
2 13 sentences which are classified as class "B1" felonies under
2 14 section 902.15. An inmate of an institution under the control
2 15 of the department of corrections who is serving a category "C"
2 16 sentence is not eligible for a reduction of sentence.

2 17 Sec. 7. Section 903A.7, Code 2007, is amended to read as
2 18 follows:

2 19 903A.7 SEPARATE SENTENCES.

2 20 Consecutive multiple sentences that are within the same
2 21 category under section 903A.2 shall be construed as one
2 22 continuous sentence for purposes of calculating reductions of
2 23 sentence for earned time. If a person is sentenced to serve
2 24 sentences of ~~both~~ multiple categories, category "C" sentences
2 25 shall be served before category "B" or "A" sentences are
2 26 served, category "B" sentences shall be served before category
2 27 "A" sentences are served, and earned time accrued against
2 28 category "C" sentences shall not be used to reduce category
2 29 "B" or "A" sentences, and earned time accrued against the
2 30 category "B" sentences shall not be used to reduce the
2 31 category "A" sentences. If an inmate serving a category "A"
2 32 sentence is sentenced to serve either a category "C" or "B"
2 33 sentence, the category "A" sentence shall be interrupted, and
2 34 no further earned time shall accrue against that sentence
2 35 until the category "C" or "B" sentence is completed.



Iowa General Assembly
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Senate File 180 - Introduced continued

3 1 Sec. 8. Section 903B.1, Code 2007, is amended to read as
3 2 follows:
3 3 903B.1 SPECIAL SENTENCE == CLASS "B1", CLASS "B", OR CLASS
3 4 "C" FELONIES.
3 5 A person convicted of a class "C" felony or greater offense
3 6 under chapter 709, ~~or~~ a class "C" felony under section 728.12,
3 7 or a class "B1" felony under section 902.15, shall also be
3 8 sentenced, in addition to any other punishment provided by
3 9 law, to a special sentence committing the person into the
3 10 custody of the director of the Iowa department of corrections
3 11 for the rest of the person's life, with eligibility for parole
3 12 as provided in chapter 906. The special sentence imposed
3 13 under this section shall commence upon completion of the
3 14 sentence imposed under any applicable criminal sentencing
3 15 provisions for the underlying criminal offense and the person
3 16 shall begin the sentence under supervision as if on parole.
3 17 The person shall be placed on the corrections continuum in
3 18 chapter 901B, and the terms and conditions of the special
3 19 sentence, including violations, shall be subject to the same
3 20 set of procedures set out in chapters 901B, 905, 906, and
3 21 ~~chapter~~ 908, and rules adopted under those chapters for
3 22 persons on parole. The revocation of release shall not be for
3 23 a period greater than two years upon any first revocation, and
3 24 five years upon any second or subsequent revocation. A
3 25 special sentence shall be considered a category "A" sentence
3 26 for purposes of calculating earned time under section 903A.2.
3 27 Sec. 9. Section 907.3, subsection 1, paragraph a, Code
3 28 2007, is amended to read as follows:
3 29 a. The offense is a violation of section 709.8 or 728.12,
3 30 subsection 1, and the child is twelve years of age or under.

3 31 EXPLANATION
3 32 This bill relates to the criminal penalties for sexual
3 33 abuse in the second degree, lascivious acts with a child, and
3 34 sexual exploitation, and requiring a duty to inform law
3 35 enforcement about a sex offender required to register.



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Senate File 180 - Introduced continued

4 1 The bill provides that a person commits a class "D" felony
4 2 if a person knows that a sex offender required to register is
4 3 not in compliance with the sex offender registry Code chapter,
4 4 chapter 692A, or is eluding a law enforcement agency and does
4 5 any of the following: withholds information from or fails to
4 6 notify a law enforcement agency about the whereabouts of the
4 7 sex offender; provides materially false information to a peace
4 8 officer about the sex offender; or harbors or conceals a sex
4 9 offender.

4 10 The bill enhances the criminal penalties, by creating a new
4 11 class "B1" felony category, for sexual abuse in the second
4 12 degree (Code section 709.3), lascivious acts with a child
4 13 (Code section 709.8), and sexual exploitation of a minor (Code
4 14 section 728.12, subsection 1), for a person 18 years of age or
4 15 older who commits an offense against a child 12 years of age
4 16 or younger. A class "B1" felony is punishable by a minimum
4 17 term of confinement of 25 years and a maximum term of
4 18 confinement that may be for the rest of the person's life. A
4 19 person serving a class "B1" felony is not eligible to receive
4 20 earned time. A class "B1" felon is also not eligible for
4 21 parole or work release.

4 22 The bill also prohibits a person from receiving a suspended
4 23 sentence, deferred sentence, or deferred judgment, if the
4 24 person commits sexual exploitation of a minor involving a
4 25 child who is 12 years of age or younger. Current law
4 26 prohibits a person committing any sexual abuse in the second
4 27 degree or lascivious acts with a child involving a child 12
4 28 years of age or younger from receiving a suspended sentence,
4 29 deferred sentence, or deferred judgment.

4 30 The bill also provides that a person serving a class "B1"
4 31 sentence shall also serve a special sentence as provided in
4 32 Code section 903B.1. The special sentence provides, in
4 33 addition to any other punishment provided by law, that a
4 34 person be committed to the custody of the director of the Iowa
4 35 department of corrections for the rest of the person's life,



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Senate File 180 - Introduced continued

5 1 with eligibility for parole as provided in Code chapter 906.
5 2 Under the bill, the special sentence imposed shall commence
5 3 upon completion of the class "B1" felony sentence imposed and
5 4 the person shall begin the sentence under supervision as if on
5 5 parole. The bill provides the person shall be placed on the
5 6 corrections continuum in Code chapter 901B, and the terms and
5 7 conditions of the special sentence, including violations,
5 8 shall be subject to the same set of procedures set out in Code
5 9 chapters 901B, 905, 906, and 908, and rules adopted under
5 10 those chapters for persons on parole. The bill provides that
5 11 if such a person violates the conditions of release, the
5 12 revocation of release shall not be for a period greater than
5 13 two years upon any first revocation, and five years upon any
5 14 second or subsequent revocation. A person serving a special
5 15 sentence under the bill may be discharged early from the
5 16 sentence by the board of parole in the same manner as a person
5 17 on parole.
5 18 LSB 2254XS 82
5 19 jm:rj/gg/14



Iowa General Assembly
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Senate File 181 - Introduced

SENATE FILE

BY McKIBBEN, ANGELO, PUTNEY,
 LUNDBY, BEHN, GASKILL,
 SEYMOUR, NOBLE, ZAUN,
 McKINLEY, JOHNSON, WARD,
 HARTSUCH, ZIEMAN, BOETTGER,
 KETTERING, WIECK, HOUSER,
 and HAHN

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the repeal of the state inheritance tax and
- 2 state qualified use inheritance tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2011XS 82
- 5 mg/es/88



Iowa General Assembly
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Senate File 181 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 450.98 TAX REPEALED.
1 2 This chapter shall not apply, effective July 1, 2007, to
1 3 property of estates of decedents dying on or after July 1,
1 4 2007. The inheritance tax shall not be imposed under this
1 5 chapter in the event the decedent dies on or after July 1,
1 6 2007, and to this extent this chapter is repealed.

1 7 Sec. 2. NEW SECTION. 450B.8 TAX REPEALED.
1 8 This chapter shall not apply, effective July 1, 2007, to
1 9 property of estates of decedents dying on or after July 1,
1 10 2007. The inheritance tax shall not be imposed under this
1 11 chapter in the event the decedent dies on or after July 1,
1 12 2007, and to this extent this chapter is repealed.

1 13 Sec. 3. CODE EDITOR DIRECTIVE. The Code editor is
1 14 directed to remove chapters 450 and 450B from the Code and
1 15 correct appropriate references to chapters 450 and 450B and
1 16 appropriate references to the inheritance tax and qualified
1 17 use inheritance tax effective July 1, 2017.

1 18 EXPLANATION

1 19 This bill repeals the state inheritance tax and the state
1 20 qualified use inheritance tax effective July 1, 2007, for
1 21 property of estates of decedents dying on or after July 1,
1 22 2007. Inheritance tax will not be imposed on any property in
1 23 the event of the death of an individual on or after July 1,
1 24 2007.

1 25 LSB 2011XS 82

1 26 mg:rj/es/88



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Senate File 182 - Introduced

SENATE FILE

BY DOTZLER, RAGAN, HATCH, APPEL,
 RIELLY, STEWART, BOLKCOM,
 SCHMITZ, DANIELSON, DVORSKY,
 WARNSTADT, HORN, McCOY,
 HANCOCK, OLIVE, DEARDEN,
 FRAISE, GRONSTAL, KIBBIE,
 BLACK, COURTNEY, and BEALL

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing that employees should be paid based on
- 2 comparable worth and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2448SS 82
- 5 ec/es/88



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1 1 Section 1. Section 729.4, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Every person in this state is entitled to the
1 4 opportunity for employment on equal terms with every other
1 5 person. A person or employer shall not discriminate in the
1 6 employment of individuals because of race, religion, color,
1 7 sex, national origin, or ancestry, and shall not discriminate
1 8 in compensation for work of comparable worth between jobs held
1 9 predominately by women and jobs held predominately by men.
1 10 "Comparable worth" means the value of work as measured by the
1 11 composite of the skill, effort, responsibility, and working
1 12 conditions normally required in the performance of work.
1 13 However, as to employment an individual must be qualified to
1 14 perform the services or work required.

1 15 EXPLANATION
1 16 This bill provides that a person or employer shall not
1 17 discriminate in providing compensation for work of comparable
1 18 worth between jobs predominately held by women and men. The
1 19 bill defines "comparable worth" as being the value of work as
1 20 measured by the skill, responsibility, and working conditions
1 21 involved in performing the work. A violation of this
1 22 provision constitutes a simple misdemeanor.
1 23 LSB 2448SS 82
1 24 ec:rj/es/88



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Senate File 183 - Introduced

SENATE FILE

BY DOTZLER, DANIELSON, HECKROTH,
 DVORSKY, HORN, SENG, HATCH,
 HANCOCK, BEALL, OLIVE, WOOD,
 APPEL, COURTNEY, FRAISE, GRONSTAL,
 KIBBIE, BLACK, McCOY, CONNOLLY,
 STEWART, RAGAN, SCHMITZ, KREIMAN,
 RIELLY, SCHOENJAHN, and BOLKCOM

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

A BILL FOR

1 An Act creating a film, television, and video project promotion
 2 program and fund and an Iowa film advisory board, providing
 3 tax credits and income exclusions, making appropriations, and
 4 including effective and retroactive applicability dates.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TL5B 1515SS 82
 7 tm/cf/24



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1 1 Section 1. NEW SECTION. 15.391 SHORT TITLE.
1 2 This part shall be known as the "Film, Television, and
1 3 Video Project Promotion Program".
1 4 Sec. 2. NEW SECTION. 15.392 PURPOSE.
1 5 The purpose of the film, television, and video project
1 6 promotion program is to assist legitimate film, television,
1 7 and video producers in the production of film, television, and
1 8 video projects in the state and to increase the fiscal impact
1 9 on the state's economy of film, television, and video projects
1 10 produced in the state. The program includes assistance in the
1 11 production of advertising projects in a film, television, or
1 12 video medium.
1 13 Sec. 3. NEW SECTION. 15.393 FILM, TELEVISION, AND VIDEO
1 14 PROJECT PROMOTION PROGRAM == TAX CREDITS AND EXCLUSION.
1 15 1. The department shall establish and administer a film,
1 16 television, and video project promotion program that provides
1 17 for the registration of projects to be shot on location in the
1 18 state. A project that is registered under the program is
1 19 entitled to the assistance provided in subsection 2. A fee
1 20 shall not be charged for registering. The department shall
1 21 not register a project unless the department determines that
1 22 all of the following are met:
1 23 a. The project is a legitimate effort to produce an entire
1 24 film, television, or video episode or a film, television, or
1 25 video segment in the state.
1 26 b. The project will include expenditures of at least one
1 27 hundred thousand dollars in the state and have an economic
1 28 impact on the economy of the state or locality sufficient to
1 29 justify assistance under the program.
1 30 c. The project will further tourism, economic development,
1 31 and population retention or growth in the state or locality.
1 32 d. Other criteria established by rule relating to the
1 33 economic impact and promotional aspects of the project on the
1 34 state or locality.
1 35 2. A project registered with the department under the



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2 1 program is eligible for the following assistance:
2 2 a. (1) For tax years beginning on or after January 1,
2 3 2007, a qualified expenditure tax credit shall be allowed
2 4 against the taxes imposed in chapter 422, divisions II, III,
2 5 and V, and in chapter 432, and against the moneys and credits
2 6 tax imposed in section 533.24, for a portion of a taxpayer's
2 7 qualified expenditures in a project registered under the
2 8 program. The tax credit shall equal twenty-five percent of
2 9 the qualified expenditures on a project. An individual may
2 10 claim a tax credit under this paragraph "a" of a partnership,
2 11 limited liability company, S corporation, estate, or trust
2 12 electing to have income taxed directly to the individual. The
2 13 amount claimed by the individual shall be based upon the pro
2 14 rata share of the individual's earnings from the partnership,
2 15 limited liability company, S corporation, estate, or trust.
2 16 Any tax credit in excess of the taxpayer's liability for the
2 17 tax year may be credited to the tax liability for the
2 18 following five years or until depleted, whichever is earlier.
2 19 A tax credit shall not be carried back to a tax year prior to
2 20 the tax year in which the taxpayer claims the tax credit. A
2 21 tax credit shall not be transferable to any other taxpayer.
2 22 (2) A qualified expenditure by a taxpayer is a payment to
2 23 an Iowa resident or an Iowa-based business for the sale,
2 24 rental, or furnishing of tangible personal property or for
2 25 services directly related to the registered project including
2 26 but not limited to aircraft, vehicles, equipment, materials,
2 27 supplies, accounting, animals and animal care, artistic and
2 28 design services, graphics, construction, data and information
2 29 services, delivery and pickup services, graphics, labor and
2 30 personnel, lighting, makeup and hairdressing, film, music,
2 31 photography, sound, video and related services, printing,
2 32 research, site fees and rental, travel related to Iowa distant
2 33 locations, trash removal and cleanup, and wardrobe. For the
2 34 purposes of this subparagraph, "labor and personnel" does not
2 35 include the director, producers, or cast members other than



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3 1 extras and stand-ins. The department of revenue, in
3 2 consultation with the department of economic development,
3 3 shall by rule establish a list of eligible expenditures.
3 4 (3) A taxpayer claiming a tax credit under this paragraph
3 5 "a", a business in which such taxpayer has an equity interest,
3 6 and a business in which such taxpayer participates in its
3 7 management is not eligible to receive the adjusted gross
3 8 income reduction under paragraph "c".
3 9 b. (1) For tax years beginning on or after January 1,
3 10 2007, an investment tax credit shall be allowed against the
3 11 taxes imposed in chapter 422, divisions II, III, and V, and in
3 12 chapter 432, and against the moneys and credits tax imposed in
3 13 section 533.24, for a portion of a taxpayer's investment in a
3 14 project registered under the program. The tax credit shall
3 15 equal twenty-five percent of the investment in the project.
3 16 An individual may claim a tax credit under this paragraph of a
3 17 partnership, limited liability company, S corporation, estate,
3 18 or trust electing to have income taxed directly to the
3 19 individual. The amount claimed by the individual shall be
3 20 based upon the pro rata share of the individual's earnings
3 21 from the partnership, limited liability company, S
3 22 corporation, estate, or trust. Any tax credit in excess of
3 23 the taxpayer's liability for the tax year may be credited to
3 24 the tax liability for the following five years or until
3 25 depleted, whichever is earlier. A tax credit shall not be
3 26 carried back to a tax year prior to the tax year in which the
3 27 taxpayer claims the tax credit. A taxpayer shall not claim a
3 28 tax credit under this paragraph "b" for qualified expenditures
3 29 for which a tax credit is claimed under paragraph "a".
3 30 (2) After verifying the eligibility for a tax credit under
3 31 this paragraph "b", the department of economic development
3 32 shall issue a film, television, and video project promotion
3 33 program tax credit certificate to be attached to the person's
3 34 tax return. The tax credit certificate shall contain the
3 35 taxpayer's name, address, tax identification number, the date



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4 1 of project completion, the amount of credit, other information
4 2 required by the department of revenue, and a place for the
4 3 name and tax identification number of a transferee and the
4 4 amount of the tax credit being transferred. Tax credit
4 5 certificates issued under this paragraph "b" may be
4 6 transferred to any person or entity. Within ninety days of
4 7 transfer, the transferee shall submit the transferred tax
4 8 credit certificate to the department of revenue along with a
4 9 statement containing the transferee's name, tax identification
4 10 number, and address, and the denomination that each
4 11 replacement tax credit certificate is to carry and any other
4 12 information required by the department of revenue. Within
4 13 thirty days of receiving the transferred tax credit
4 14 certificate and the transferee's statement, the department of
4 15 revenue shall issue one or more replacement tax credit
4 16 certificates to the transferee. Each replacement tax credit
4 17 certificate must contain the information required for the
4 18 original tax credit certificate and must have the same
4 19 expiration date that appeared in the transferred tax credit
4 20 certificate. Tax credit certificate amounts of less than the
4 21 minimum amount established by rule of the department of
4 22 economic development shall not be transferable. A tax credit
4 23 shall not be claimed by a transferee under this paragraph "b"
4 24 until a replacement tax credit certificate identifying the
4 25 transferee as the proper holder has been issued. The
4 26 transferee may use the amount of the tax credit transferred
4 27 against the taxes imposed in chapter 422, divisions II, III,
4 28 and V, and in chapter 432, and against the moneys and credits
4 29 tax imposed in section 533.24, for any tax year the original
4 30 transferor could have claimed the tax credit. Any
4 31 consideration received for the transfer of the tax credit
4 32 shall not be included as income under chapter 422, divisions
4 33 II, III, and V, under chapter 432, or against the moneys and
4 34 credits tax imposed in section 533.24. Any consideration paid
4 35 for the transfer of the tax credit shall not be deducted from



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5 1 income under chapter 422, divisions II, III, and V, under
5 2 chapter 432, or against the moneys and credits tax imposed in
5 3 section 533.24.

5 4 c. For tax years beginning on or after January 1, 2007, a
5 5 reduction in adjusted gross income for purposes of taxes
5 6 imposed in chapter 422, divisions II and III, for payments
5 7 received from the sale, rental, or furnishing of tangible
5 8 personal property or services directly related to the
5 9 production of a project registered under this section which
5 10 meets the criteria of a qualified expenditure under paragraph
5 11 "a", subparagraph (2).

5 12 3. The department shall promote the program and the
5 13 assistance available under the program on an internet website.

5 14 4. A film, television, and video project promotion fund is
5 15 created in the state treasury under the control of the
5 16 department and consisting of any moneys appropriated by the
5 17 general assembly and any other moneys available to and
5 18 obtained or accepted by the department for placement in the
5 19 fund. The fund shall be used to provide financial assistance
5 20 under the film, television, and video project promotion
5 21 program. Moneys in the fund are not subject to section 8.33.
5 22 Notwithstanding section 12C.7, interest or earnings on moneys
5 23 in the fund shall be credited to the fund.

5 24 5. A project that depicts or describes any obscene
5 25 material, as defined in section 728.1, shall not be eligible
5 26 to receive assistance under this section.

5 27 Sec. 4. NEW SECTION. 15.394 IOWA FILM ADVISORY BOARD ==
5 28 APPROPRIATION.

5 29 1. An Iowa film advisory board is established within the
5 30 department consisting of seven members appointed by the
5 31 governor. The members shall serve four-year terms staggered
5 32 as determined by the governor. The membership shall consist
5 33 of all of the following:

5 34 a. Two members representing the Iowa motion picture
5 35 association.



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6 1 b. A film director.
6 2 c. A film actor.
6 3 d. A film technician.
6 4 e. A film project investor.
6 5 f. An educator from a private college in the state or an
6 6 institution of higher learning under the state board of
6 7 regents.
6 8 2. The board shall do all of the following:
6 9 a. Meet regularly and advise the department on issues
6 10 relating to expanding the number of film projects produced in
6 11 the state.
6 12 b. Administer the scholarship program pursuant to
6 13 subsection 3.
6 14 3. The board shall grant up to ten Iowa film scholarships
6 15 each fiscal year. A scholarship shall not exceed two thousand
6 16 dollars. A scholarship shall be awarded to a student
6 17 attending or planning to attend college in Iowa and receiving
6 18 or intending to receive instruction in the area of film.
6 19 4. Each fiscal year, there is appropriated from the
6 20 general fund of the state to the Iowa film advisory board
6 21 twenty thousand dollars for purposes of awarding Iowa film
6 22 scholarships under subsection 3. Notwithstanding section
6 23 8.33, moneys appropriated in this subsection that remain
6 24 unencumbered or unobligated at the close of the fiscal year
6 25 shall not revert but shall remain available for expenditure
6 26 for the purposes designated until the close of the succeeding
6 27 fiscal year.
6 28 5. The board shall adopt rules pursuant to chapter 17A
6 29 necessary for the administration of this section.
6 30 Sec. 5. Section 422.7, Code 2007, is amended by adding the
6 31 following new subsection:
6 32 NEW SUBSECTION. 50. Subtract an amount equal to any
6 33 income received from the sale, rental, or furnishing of
6 34 tangible personal property or services directly related to the
6 35 production of a project registered under section 15.393 which



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7 1 meets the criteria of a qualified expenditure under section
7 2 15.393, subsection 2, paragraph "a", subparagraph (2).
7 3 Sec. 6. NEW SECTION. 422.11T FILM QUALIFIED EXPENDITURE
7 4 TAX CREDIT.
7 5 The taxes imposed under this division, less the credits
7 6 allowed under sections 422.12 and 422.12B, shall be reduced by
7 7 a qualified expenditure tax credit authorized pursuant to
7 8 section 15.393, subsection 2, paragraph "a".
7 9 Sec. 7. NEW SECTION. 422.11U FILM INVESTMENT TAX CREDIT.
7 10 The taxes imposed under this division, less the credits
7 11 allowed under sections 422.12 and 422.12B, shall be reduced by
7 12 an investment tax credit authorized pursuant to section
7 13 15.393, subsection 2, paragraph "b".
7 14 Sec. 8. Section 422.33, Code 2007, is amended by adding
7 15 the following new subsections:
7 16 NEW SUBSECTION. 24. The taxes imposed under this division
7 17 shall be reduced by a qualified expenditure tax credit
7 18 authorized pursuant to section 15.393, subsection 2, paragraph
7 19 "a".
7 20 NEW SUBSECTION. 25. The taxes imposed under this division
7 21 shall be reduced by an investment tax credit authorized
7 22 pursuant to section 15.393, subsection 2, paragraph "b".
7 23 Sec. 9. Section 422.35, Code 2007, is amended by adding
7 24 the following new subsection:
7 25 NEW SUBSECTION. 23. Subtract an amount equal to any
7 26 income received from the sale, rental, or furnishing of
7 27 tangible personal property or services directly related to the
7 28 production of a project registered under section 15.393 which
7 29 meets the criteria of a qualified expenditure under section
7 30 15.393, subsection 2, paragraph "a", subparagraph (2).
7 31 Sec. 10. Section 422.60, Code 2007, is amended by adding
7 32 the following new subsections:
7 33 NEW SUBSECTION. 13. The taxes imposed under this division
7 34 shall be reduced by a qualified expenditure tax credit
7 35 authorized pursuant to section 15.393, subsection 2, paragraph



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8 1 "a".
8 2 NEW SUBSECTION. 14. The taxes imposed under this division
8 3 shall be reduced by an investment tax credit authorized
8 4 pursuant to section 15.393, subsection 2, paragraph "b".
8 5 Sec. 11. NEW SECTION. 432.12J FILM QUALIFIED EXPENDITURE
8 6 TAX CREDIT.
8 7 The tax imposed under this chapter shall be reduced by a
8 8 qualified expenditure tax credit authorized pursuant to
8 9 section 15.393, subsection 2, paragraph "a".
8 10 Sec. 12. NEW SECTION. 432.12K FILM INVESTMENT TAX
8 11 CREDIT.
8 12 The tax imposed under this chapter shall be reduced by an
8 13 investment tax credit authorized pursuant to section 15.393,
8 14 subsection 2, paragraph "b".
8 15 Sec. 13. Section 533.24, Code 2007, is amended by adding
8 16 the following new subsections:
8 17 NEW SUBSECTION. 11. The moneys and credits tax imposed
8 18 under this section shall be reduced by a qualified expenditure
8 19 tax credit authorized pursuant to section 15.393, subsection
8 20 2, paragraph "a".
8 21 NEW SUBSECTION. 12. The moneys and credits tax imposed
8 22 under this section shall be reduced by an investment tax
8 23 credit authorized pursuant to section 15.393, subsection 2,
8 24 paragraph "b".
8 25 Sec. 14. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
8 26 This Act, except the section enacting section 15.394, being
8 27 deemed of immediate importance, takes effect upon enactment
8 28 and is retroactively applicable to January 1, 2007, for tax
8 29 years beginning on and after that date.
8 30 EXPLANATION
8 31 This bill creates a film, television, and video project
8 32 promotion program and fund and an Iowa film advisory board,
8 33 provides for tax credits and income exclusions, and includes
8 34 effective and retroactive applicability dates.
8 35 The bill requires the department of economic development to
9 1 establish and administer a film, television, and video project
9 2 promotion program that will provide for the registration of
9 3 projects that are to be shot on location in the state. The
9 4 bill prohibits the department from registering a film project
9 5 unless the department determines that the project is a
9 6 legitimate effort to produce an entire film, television, or
9 7 video episode, or a film, television, or video segment in the
9 8 state; the project will include expenditures of at least
9 9 \$100,000 in the state and have an economic impact on the
9 10 economy of the state or locality sufficient to justify
9 11 assistance under the program; the project will further tourism
9 12 and population retention or growth in the state or locality;
9 13 and the project satisfies any other criteria established by
9 14 rule by the department. The bill creates a film, television,
9 15 and video project promotion fund in the state treasury under
9 16 the control of the department to be used to provide financial
9 17 assistance under the film, television, and video project
9 18 promotion program.
9 19 The bill provides that a project registered with the
9 20 department under the program is eligible for the following
9 21 assistance:



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9 22 1. QUALIFIED EXPENDITURE TAX CREDIT. The bill allows a
9 23 qualified expenditure tax credit for 25 percent of a
9 24 taxpayer's qualified expenditures in a project registered
9 25 under the program. The tax credit is allowed against personal
9 26 and corporate income tax liabilities, franchise tax
9 27 liabilities for financial institutions, insurance premium tax
9 28 liabilities, and credit union moneys and credits tax
9 29 liabilities. The bill provides that a qualified expenditure
9 30 is a payment to an Iowa resident or an Iowa-based business for
9 31 the sale, rental, or furnishing of tangible personal property
9 32 or for services directly related to the registered project.
9 33 The bill provides that any tax credit in excess of the
9 34 taxpayer's liability for the tax year may be credited to the
9 35 tax liability for the following five years or until depleted,



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10 1 whichever is earlier. The bill prohibits a tax credit from
10 2 being carried back to a tax year prior to the tax year in
10 3 which the taxpayer claims the tax credit and provides that a
10 4 tax credit shall not be transferable to any other taxpayer.
10 5 The bill provides that a taxpayer claiming this tax credit, a
10 6 business in which such taxpayer has an equity interest, and a
10 7 business in which such taxpayer participates in its management
10 8 is not eligible to receive the adjusted gross income reduction
10 9 incentive.

10 10 2. INVESTMENT TAX CREDIT. The bill allows an investment
10 11 tax credit for 25 percent of a taxpayer's investment in a
10 12 project registered under the program. The tax credit is
10 13 allowed against personal and corporate income tax liabilities,
10 14 franchise tax liabilities for financial institutions,
10 15 insurance premium tax liabilities, and credit union moneys and
10 16 credits tax liabilities. The bill provides that any tax
10 17 credit in excess of the taxpayer's liability for the tax year
10 18 may be credited to the tax liability for the following five
10 19 years or until depleted, whichever is earlier. The bill
10 20 provides that a tax credit shall not be carried back to a tax
10 21 year prior to the tax year in which the taxpayer claims the
10 22 tax credit. The bill provides that the tax credit is
10 23 transferable to another taxpayer. The bill prohibits an
10 24 investment tax credit from being claimed for qualified
10 25 expenditures for which a qualified expenditure tax credit is
10 26 claimed.

10 27 3. EXEMPTION FROM INCOME. The bill allows a person to
10 28 subtract from adjusted gross income for purposes of personal
10 29 and corporate income taxes an amount equal to any income
10 30 received from the sale, rental, or furnishing of tangible
10 31 personal property or services directly related to the
10 32 production of a project registered under the bill which meets
10 33 the criteria of a qualified expenditure.

10 34 The bill establishes a film advisory board within the
10 35 department consisting of seven members. The bill provides



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11 1 that the board shall meet regularly and advise the department
11 2 on issues relating to expanding the number of film projects
11 3 produced in the state and administer the Iowa film scholarship
11 4 program.

11 5 The bill requires the film advisory board to grant up to 10
11 6 Iowa film scholarships each fiscal year not to exceed \$2,000
11 7 each. The bill provides that scholarships shall be awarded to
11 8 a student attending or planning to attend college in Iowa and
11 9 receiving or intending to receive instruction in the area of
11 10 film.

11 11 The bill appropriates from the general fund of the state to
11 12 the Iowa film advisory board \$20,000 each fiscal year for
11 13 awarding Iowa film scholarships.

11 14 With the exception of the provisions relating to the film
11 15 advisory board and Iowa film scholarships, the bill takes
11 16 effect upon enactment and is retroactively applicable to
11 17 January 1, 2007, for tax years beginning on and after that
11 18 date.

11 19 LSB 1515SS 82

11 20 tm:rj/cf/24.2



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SENATE FILE
BY DOTZLER

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

A BILL FOR

1 An Act relating to hotel, food establishment, and food processing
2 plant licensing and inspection, providing fees, making
3 penalties applicable, making an appropriation, and providing
4 an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2412SS 82
7 nh/je/5



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1 1 Section 1. Section 137C.6, Code 2007, is amended to read
1 2 as follows:
1 3 137C.6 AUTHORITY TO ENFORCE.
1 4 1. The director shall regulate, license, and inspect
1 5 hotels and enforce the Iowa hotel sanitation code in Iowa.
1 6 Municipal corporations shall not regulate, license, inspect,
1 7 or collect license fees from hotels except as provided for in
1 8 the Iowa hotel sanitation code.
1 9 2. If a municipal corporation wants its local board of
1 10 health to license, inspect, and otherwise enforce the Iowa
1 11 hotel sanitation code within its jurisdiction, the municipal
1 12 corporation may enter into an agreement to do so with the
1 13 director. The director may enter into the agreement if the
1 14 director finds that the local board of health has adequate
1 15 resources to perform the required functions. A municipal
1 16 corporation may only enter into an agreement to enforce the
1 17 Iowa hotel sanitation code if it also agrees to enforce the
1 18 ~~Iowa food code~~ rules setting minimum standards to protect
1 19 consumers from foodborne illness adopted pursuant to section
1 20 ~~137F.3~~ 137F.2.
1 21 3. A local board of health that is responsible for
1 22 enforcing the Iowa hotel sanitation code within its
1 23 jurisdiction pursuant to an agreement, shall make an annual
1 24 report to the director providing the following information:
1 25 1. a. The total number of hotel licenses granted or
1 26 renewed during the year.
1 27 2. b. The number of hotel licenses granted or renewed
1 28 during the year broken down into the following categories:
1 29 a. (1) Hotels containing fifteen guest rooms or less.
1 30 b. (2) Hotels containing more than fifteen but less than
1 31 thirty=one guest rooms.
1 32 c. (3) Hotels containing more than thirty but less than
1 33 seventy=six guest rooms.
1 34 d. (4) Hotels containing more than seventy=five but less
1 35 than one hundred fifty guest rooms.



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2 1 ~~e.~~ (5) Hotels containing one hundred fifty or more guest
2 2 rooms.
2 3 ~~3.~~ c. The amount of money collected in license fees
2 4 during the year.
2 5 ~~4.~~ d. Other information the director requests.
2 6 4. The director shall monitor local boards of health to
2 7 determine if they are enforcing the Iowa hotel sanitation code
2 8 within their respective jurisdictions. If the director
2 9 determines that the Iowa hotel sanitation code is enforced by
2 10 a local board of health, such enforcement shall be accepted in
2 11 lieu of enforcement by the department in that jurisdiction.
2 12 If the director determines that the Iowa hotel sanitation code
2 13 is not enforced by a local board of health, the director may
2 14 rescind the agreement after reasonable notice and an
2 15 opportunity for a hearing. If the agreement is rescinded, the
2 16 director shall assume responsibility for enforcement in the
2 17 jurisdiction involved.
2 18 Sec. 2. Section 137F.1, subsection 7, Code 2007, is
2 19 amended by striking the subsection.
2 20 Sec. 3. Section 137F.1, subsection 8, unnumbered paragraph
2 21 1, Code 2007, is amended to read as follows:
2 22 "Food establishment" means an operation that stores,
2 23 prepares, packages, serves, vends, or otherwise provides food
2 24 for human consumption and includes a food service operation in
2 25 a salvage or distressed food operation, school, summer camp,
2 26 residential service substance abuse treatment facility,
2 27 halfway house substance abuse treatment facility, correctional
2 28 facility operated by the department of corrections, the state
2 29 training school, or the Iowa juvenile home. "Food
2 30 establishment" does not include the following:
2 31 Sec. 4. Section 137F.2, Code 2007, is amended by striking
2 32 the section and inserting in lieu thereof the following:
2 33 137F.2 ADOPTION BY RULE.
2 34 The department shall, in accordance with chapter 17A, adopt
2 35 rules setting minimum standards for entities covered under



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3 1 this chapter to protect consumers from foodborne illness. In
3 2 so doing, the department may adopt by reference, with or
3 3 without amendment, the United States food and drug
3 4 administration food code, which shall be specified by title
3 5 and edition, date of publication, or similar information. The
3 6 rules and standards shall be formulated in consultation with
3 7 municipal corporations under agreement with the department,
3 8 affected state agencies, and industry, professional, and
3 9 consumer groups.

3 10 Sec. 5. Section 137F.3, Code 2007, is amended to read as
3 11 follows:

3 12 137F.3 AUTHORITY TO ENFORCE.

3 13 1. The director shall regulate, license, and inspect food
3 14 establishments and food processing plants and enforce this
3 15 chapter pursuant to rules adopted by the department in
3 16 accordance with chapter 17A. Municipal corporations shall not
3 17 regulate, license, inspect, or collect license fees from food
3 18 establishments and food processing plants, except as provided
3 19 in this section.

3 20 2. A municipal corporation may enter into an agreement
3 21 with the director to provide that the municipal corporation
3 22 shall license, inspect, and otherwise enforce this chapter
3 23 within its jurisdiction. The director may enter into the
3 24 agreement if the director finds that the municipal corporation
3 25 has adequate resources to perform the required functions. A
3 26 municipal corporation may only enter into an agreement to
3 27 enforce the ~~Iowa food code~~ rules setting minimum standards to
3 28 protect consumers from foodborne illness adopted pursuant to
3 29 ~~this section 137F.2~~ if it also agrees to enforce the Iowa
3 30 hotel sanitation code pursuant to section 137C.6. However,
3 31 the department shall license and inspect all food processing
3 32 plants which manufacture, package, or label food products. A
3 33 municipal corporation may license and inspect, as authorized
3 34 by this section, food processing plants whose operations are
3 35 limited to the storage of food products.



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Senate File 184 - Introduced continued

4 1 3. If the director enters into an agreement with a
4 2 municipal corporation as provided by this section, the
4 3 director shall provide that the inspection practices of a
4 4 municipal corporation are spot-checked on a regular basis.
4 5 4. A municipal corporation that is responsible for
4 6 enforcing this chapter within its jurisdiction pursuant to an
4 7 agreement shall make an annual report to the director
4 8 providing the following information:
4 9 ~~1.~~ a. The total number of licenses granted or renewed by
4 10 the municipal corporation under this chapter during the year.
4 11 ~~2.~~ b. The number of licenses granted or renewed by the
4 12 municipal corporation under this chapter during the year in
4 13 each of the following categories:
4 14 ~~a.~~ (1) Food establishments.
4 15 ~~b.~~ (2) Food processing plants.
4 16 ~~c.~~ (3) Mobile food units and pushcarts.
4 17 ~~d.~~ (4) Temporary food establishments.
4 18 ~~e.~~ (5) Vending machines.
4 19 ~~3.~~ c. The amount of money collected in license fees
4 20 during the year.
4 21 ~~4.~~ d. Other information the director requests.
4 22 5. The director shall monitor municipal corporations which
4 23 have entered into an agreement pursuant to this section to
4 24 determine if they are enforcing this chapter within their
4 25 respective jurisdictions. If the director determines that
4 26 this chapter is not enforced by a municipal corporation, the
4 27 director may rescind the agreement after reasonable notice and
4 28 an opportunity for a hearing. If the agreement is rescinded,
4 29 the director shall assume responsibility for enforcement in
4 30 the jurisdiction involved.
4 31 Sec. 6. Section 137F.3A, Code 2007, is amended to read as
4 32 follows:
4 33 137F.3A MUNICIPAL CORPORATION INSPECTIONS == CONTINGENT
4 34 APPROPRIATION.
4 35 1. If a municipal corporation operating pursuant to a



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5 1 chapter 28E agreement with the department of inspections and
5 2 appeals to enforce this chapter and chapters 137C and 137D
5 3 either fails to renew the agreement effective after July 1,
5 4 2005, ~~but before July 1, 2007,~~ or discontinues ~~prior to July~~
~~5 5 1, 2007,~~ enforcement activities in one or more jurisdictions
5 6 during the agreement time frame, or the department of
5 7 inspections and appeals cancels an agreement ~~prior to July 1,~~
~~5 8 2007,~~ due to noncompliance with the terms of the agreement,
5 9 the department of inspections and appeals may employ
5 10 additional full-time equivalent positions ~~for the fiscal years~~
~~5 11 ending prior to July 1, 2007,~~ to enforce the provisions of the
5 12 chapters, with the approval of the department of management.
5 13 Before approval is given, the director of the department of
5 14 management shall determine that the expenses exceed the funds
5 15 budgeted by the general assembly for food inspections to the
5 16 department of inspections and appeals. The department of
5 17 inspections and appeals may hire no more than one full-time
5 18 equivalent position for each six hundred inspections required
5 19 pursuant to this chapter and chapters 137C and 137D.
5 20 2. Notwithstanding chapter 137D, and sections 137C.9 and
5 21 137F.6, if the conditions described in this section are met,
5 22 fees imposed pursuant to that chapter and those sections shall
5 23 be retained by and are appropriated to the department of
5 24 inspections and appeals ~~for the each fiscal years ending prior~~
~~5 25 to July 1, 2007,~~ year to provide for salaries, support,
5 26 maintenance, and miscellaneous purposes associated with the
5 27 additional inspections.
5 28 ~~3. This section is repealed July 1, 2007.~~
5 29 Sec. 7. Section 137F.6, Code 2007, is amended by adding
5 30 the following new subsections:
5 31 NEW SUBSECTION. 8. Upon transfer of ownership of an
5 32 existing food establishment or food processing plant subject
5 33 to a license fee under subsection 4, 5, or 6, the new owner
5 34 shall pay the last license fee amount paid by the previous
5 35 owner for the first year of licensure. In subsequent years,



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6 1 the licensee shall pay the fee specified for the licensee's
6 2 annual gross sales.

6 3 NEW SUBSECTION. 9. A new applicant subject to a license
6 4 fee under subsection 4, 5, or 6, shall pay the license fee
6 5 based on projected gross sales under each of the applicable
6 6 subsections for the first year of licensure. In subsequent
6 7 years, the licensee shall pay the fee specified for the
6 8 licensee's annual gross sales.

6 9 NEW SUBSECTION. 10. For a food establishment or food
6 10 processing plant that is being remodeled or newly constructed
6 11 and that is subject to a license fee under subsection 4, 5, or
6 12 6, the applicant shall pay, in addition to any other fees
6 13 assessed under this chapter, a plan review fee of up to two
6 14 hundred fifty dollars, as determined by the regulatory
6 15 authority.

6 16 NEW SUBSECTION. 11. For a food establishment or food
6 17 processing plant that is being remodeled and that is subject
6 18 to a license fee under subsection 4, 5, or 6, the licensee
6 19 shall pay, in addition to any other fees assessed under this
6 20 chapter, a plan review fee of up to two hundred fifty dollars,
6 21 as determined by the regulatory authority.

6 22 NEW SUBSECTION. 12. If a routine inspection or a
6 23 complaint investigation of a food establishment or food
6 24 processing plant subject to a license fee under subsection 4,
6 25 5, or 6, reveals the presence of one or more critical
6 26 violations and requires one or more physical reinspections, a
6 27 reinspection fee equal to fifty dollars shall be assessed for
6 28 each reinspection. Failure to pay the reinspection fee shall
6 29 subject a food establishment or food processing plant to
6 30 suspension or revocation of the food establishment's or food
6 31 processing plant's license pursuant to section 137F.7 and to
6 32 the penalty provisions of section 137F.17.

6 33 Sec. 8. Section 331.756, subsection 32, Code 2007, is
6 34 amended to read as follows:

6 35 32. Assist the department of inspections and appeals in



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7 1 the enforcement of the ~~Iowa food code~~ rules setting minimum
7 2 standards to protect consumers from foodborne illness adopted
7 3 pursuant to section 137F.2 and the Iowa hotel sanitation code,
7 4 as provided in sections 137F.19 and 137C.30.

7 5 Sec. 9. FOOD CODE APPLICABILITY == TEMPORARY PROVISIONS.
7 6 Pending the adoption of rules pursuant to section 137F.2, as
7 7 amended by this Act, the 1997 edition of the United States
7 8 food and drug administration food code, with the amendments or
7 9 exceptions thereto in effect prior to the effective date of
7 10 this Act, shall continue in effect.

7 11 Sec. 10. EFFECTIVE DATE. This Act, being deemed of
7 12 immediate importance, takes effect upon enactment.

7 13 EXPLANATION

7 14 This bill makes changes regarding the licensing and
7 15 inspection of hotels, home food establishments, and food
7 16 establishments.

7 17 The bill provides for the deletion of a specific reference
7 18 to the adoption of the "food code" in Code section 137F.2,
7 19 statutory amendments or exceptions to the food code, providing
7 20 instead for the adoption of rules setting minimum standards to
7 21 protect consumers from foodborne illness. The bill provides
7 22 that the rules may incorporate by reference, with or without
7 23 amendment, the United States food and drug administration food
7 24 code, which if incorporated shall be specified by title and
7 25 edition, date of publication, or similar information, and that
7 26 the rules and standards shall be formulated in consultation
7 27 with municipal corporations under agreement with the
7 28 department, affected state agencies, and industry,
7 29 professional, and consumer groups. Conforming changes are
7 30 made to other Code provisions currently referencing the "food
7 31 code" as referred to in Code chapter 137F. The bill specifies
7 32 that until the rules are adopted, the 1997 edition of the
7 33 United States food and drug administration food code, with the
7 34 amendments or exceptions in effect prior to the effective date
7 35 of the bill, shall continue to apply.



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8 1 The bill includes in the definition of a "food
8 2 establishment" in Code section 137F.1 a salvage or distressed
8 3 food operation.

8 4 Code section 137F.3A, enacted in 2006, is amended to
8 5 provide that the department of inspections and appeals may
8 6 retain fees imposed on hotels, home food establishments, and
8 7 on certain food establishments, each fiscal year and use the
8 8 fees retained for costs associated with having the department
8 9 conduct food inspections in jurisdictions where the applicable
8 10 municipal corporation fails to conduct the inspections on or
8 11 after July 1, 2005. Current law allows the department to
8 12 retain and use such fees between July 1, 2005, and July 1,
8 13 2007. The bill eliminates the future repeal of the provision
8 14 on July 1, 2007.

8 15 The bill provides for new categories of fees for
8 16 reinspection and plan review relating to food establishments
8 17 under Code chapter 137F. The bill provides that if a transfer
8 18 of ownership of a certain type of existing food establishment
8 19 or food processing plant licensed under Code section 137F.6
8 20 occurs, which would include a food establishment which
8 21 prepares or serves food for individual portion service
8 22 intended for consumption on=the=premises, a food establishment
8 23 which sells food or food products to consumer customers
8 24 intended for preparation or consumption off=the=premises, or a
8 25 food processing plant, the new owner shall pay the last
8 26 license fee for the first year of licensure, and in subsequent
8 27 years, the fee specified for their annual gross sales.

8 28 The bill additionally provides that an applicant for
8 29 certain new licenses under Code section 137F.6 shall pay the
8 30 license fee based on projected gross sales for the first year
8 31 of licensure and, in subsequent years, the fee specified for
8 32 their annual gross sales.

8 33 Further, for certain food establishments and food
8 34 processing plants to be licensed under Code section 137F.6
8 35 that are being newly constructed or remodeled, or for an
9 1 existing licensee undergoing remodeling, the bill provides
9 2 that the applicant or licensee shall pay, in addition to any
9 3 other fees assessed, a plan review fee of up to \$250, as
9 4 determined by the regulatory authority.

9 5 Additionally, the bill provides that if a routine
9 6 inspection or a complaint investigation of certain food
9 7 establishments and food processing plants licensed under Code
9 8 section 137F.6 reveals the presence of one or more critical
9 9 violations and requires one or more physical reinspections, a
9 10 reinspection fee equal to \$50 shall be assessed for each
9 11 reinspection. The bill specifies that failure to pay the
9 12 reinspection fee shall subject a licensee to suspension or
9 13 revocation of the license pursuant to Code section 137F.7, and
9 14 the penalty provisions of Code section 137F.17.

9 15 The bill takes effect upon enactment.

9 16 LSB 2412SS 82

9 17 nh:rj/je/5



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Senate File 185 - Introduced

SENATE FILE

BY ZAUN, ANGELO, BEHN,
BOETTGER, and JOHNSON

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring public libraries that receive state funding to
- 2 adopt certain policies.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1931XS 82
- 5 kh/gg/14



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Senate File 185 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.51, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. k. Require a public library that receives
1 4 state funds to do the following:
1 5 (1) Adopt an internet filter policy designed to eliminate
1 6 access to pornography on the public library's computer
1 7 equipment.
1 8 (2) Adopt a policy to restrict the content of video
1 9 materials a child under seventeen years of age may borrow from
1 10 the library to those video cassettes or digital video discs
1 11 (DVDs) that receive a G, PG, or PG=13 rating under the motion
1 12 picture association of America's rating system.

1 13 EXPLANATION

1 14 This bill requires the division of libraries and
1 15 information services within the department of education to
1 16 require a public library that receives state funds to adopt an
1 17 internet filter policy designed to eliminate access to
1 18 pornography on the public library's computer equipment, as
1 19 well as a policy restricting the content of video materials a
1 20 child under 17 years of age may borrow from the library.

1 21 LSB 1931XS 82

1 22 kh:nh/gg/14



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Senate File 186 - Introduced

SENATE FILE
BY McKINLEY and KREIMAN

(COMPANION TO HF 147 BY SWAIM)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to councils of governments by making technical
- 2 changes and by designating a new council of governments area.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1962SS 82
- 5 eg/gg/14



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Senate File 186 - Introduced continued

PAG LIN

1 1 Section 1. Section 28H.1, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:

1 3 For purposes of this chapter, a council of governments
1 4 includes the following areas ~~established by executive order~~
~~1 5 number 11,1969 or a chapter 28E agreement:~~

1 6 Sec. 2. Section 28H.1, subsection 14, Code 2007, is
1 7 amended to read as follows:

1 8 14. Area fifteen regional planning commission serving
1 9 ~~Appanoose~~, Davis, Jefferson, Keokuk, ~~Lucas~~, Mahaska, ~~Monroe~~,
1 10 Van Buren, and Wapello, ~~and Wayne~~ counties.

1 11 Sec. 3. Section 28H.1, Code 2007, is amended by adding the
1 12 following new subsection:

1 13 NEW SUBSECTION. 17. Chariton valley council of
1 14 governments serving Appanoose, Lucas, Monroe, and Wayne
1 15 counties.

1 16 EXPLANATION

1 17 This bill divides the area 15 regional planning commission
1 18 into two councils of governments. Area 15 will continue to
1 19 serve Davis, Jefferson, Keokuk, Mahaska, Van Buren, and
1 20 Wapello counties. A newly created council of governments, the
1 21 Chariton valley council of governments, will serve Appanoose,
1 22 Lucas, Monroe, and Wayne counties.

1 23 The bill strikes language stating that the council of
1 24 governments areas were established by executive order or a
1 25 chapter 28E agreement. The areas are established by Code
1 26 section 28H.1. Pursuant to Code section 28H.5, each council
1 27 of governments is also considered a public agency for purposes
1 28 of Code chapter 28E.

1 29 LSB 1962SS 82

1 30 eg:sc/gg/14



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Senate File 187 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1077)

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Approved

Passed House, Date _____

Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring invasive pneumococcal disease immunization for
- 2 children enrolling in licensed child care centers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1737SV 82
- 5 jp/es/88



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Senate File 187 - Introduced continued

PAG LIN

1 1 Section 1. Section 139A.8, subsection 2, paragraph b, Code
1 2 2007, is amended to read as follows:
1 3 b. Evidence of adequate immunization against haemophilus
1 4 influenza B and invasive pneumococcal disease shall be
1 5 required prior to enrollment in any licensed child care
1 6 center.

1 7 EXPLANATION

1 8 This bill requires an invasive pneumococcal disease
1 9 immunization for children enrolled in a licensed child care
1 10 center. The requirement is added to Code section 139A.8,
1 11 relating to immunization requirements for children
1 12 administered by the Iowa department of public health.
1 13 Existing exemption provisions relating to health risk and
1 14 religious belief remain applicable to the new requirement.
1 15 LSB 1737SV 82
1 16 jp:nh/es/88



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Senate File 188 - Introduced

SENATE FILE

BY BEALL, DOTZLER, DANIELSON,
 RAGAN, KREIMAN, SCHMITZ,
 WOOD, CONNOLLY, STEWART,
 BLACK, KIBBIE, GRONSTAL,
 APPEL, FRAISE, DEARDEN,
 OLIVE, QUIRMBACH, DVORSKY,
 HANCOCK, HORN, SEYMOUR,
 MULDER, MCKINLEY, JOHNSON,
 WARD, ZIEMAN, BOETTGER,
 ANGELO, MCKIBBEN, HAHN,
 HOUSER, and NOBLE

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating a special gold star motor vehicle registration
- 2 plate.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 2210XS 82
- 5 dea/gg/14



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Senate File 188 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.34, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 24. GOLD STAR PLATES. An owner referred
1 4 to in subsection 12 who is the surviving spouse or surviving
1 5 parent of a deceased member of the United States armed forces
1 6 who died during a time of military conflict may order special
1 7 registration plates bearing a gold star emblem upon written
1 8 application to the department accompanied by satisfactory
1 9 supporting documentation as determined by the department. The
1 10 gold star emblem shall be designed by the department in
1 11 cooperation with the commission of veterans affairs. Letter
1 12 number designated gold star plates shall be issued at no
1 13 charge and shall be validated annually by the county treasurer
1 14 upon payment of the regular annual registration fee. The fee
1 15 for issuance of personalized gold star plates is twenty-five
1 16 dollars, and the annual fee for personalized gold star plates
1 17 is five dollars, which is in addition to the regular annual
1 18 registration fee.

1 19

EXPLANATION

1 20 This bill establishes a new special motor vehicle
1 21 registration plate to be issued free of charge to a surviving
1 22 spouse or surviving parent of a deceased member of the United
1 23 States armed forces who died during a time of military
1 24 conflict. The special gold star registration plates shall be
1 25 issued at no charge to the applicant and renewed upon payment
1 26 of the annual registration fees for the vehicle. Personalized
1 27 gold star plates shall be issued for a fee of \$25 and renewed
1 28 upon payment of the annual registration fees for the vehicle
1 29 plus a \$5 personalized plate renewal fee.

1 30 LSB 2210XS 82

1 31 dea:nh/gg/14



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Senate File 189 - Introduced

SENATE FILE

BY ANGELO, WARD, SEYMOUR, ZAUN,
McKINLEY, McKIBBEN, GASKILL,
HAHN, JOHNSON, and WIECK

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

1 An Act relating to tuition rates at state universities by
2 providing resident status to the children of alumni and by
3 creating a college costs predictability program to be
4 administered by the state board of regents.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1719XS 82
7 kh/es/88



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Senate File 189 - Introduced continued

PAG LIN

1 1 Section 1. Section 262.9, subsection 23, Code 2007, is
1 2 amended to read as follows:
1 3 23. Develop a policy and adopt rules ~~relating to the~~
1 4 ~~establishment of tuition rates which provide a predictable~~
1 5 ~~basis for assessing and anticipating changes in providing that~~
1 6 any person who does not meet the residency requirements
1 7 established by the board for tuition and fee purposes, but
1 8 whose parents both graduated from an institution of higher
1 9 education governed by the board, shall be considered a
1 10 resident of the state for tuition ~~rates~~ and fee purposes.
1 11 Sec. 2. NEW SECTION. 262.34C COLLEGE COSTS
1 12 PREDICTABILITY PROGRAM.
1 13 1. A college costs predictability program is created to be
1 14 administered by the state board of regents for purposes of
1 15 providing predictability in college tuition and fee costs
1 16 throughout a resident freshman's full-time pursuit of an
1 17 undergraduate degree at an institution of higher learning
1 18 under the control of the board.
1 19 2. By December 1 annually, the board shall establish for
1 20 each institution of higher learning under its control, a fixed
1 21 rate tuition and fee plan for the following school year for
1 22 resident first-time freshmen who enroll full-time in an
1 23 undergraduate degree program. If a student continues to meet
1 24 grade expectations established by rule by the board, the plan
1 25 shall be in effect for the student until the student graduates
1 26 with an undergraduate degree. While the plan is in effect for
1 27 a student, the institution shall charge not more than the
1 28 tuition and fee rate established in the tuition and fee plan
1 29 at the time the student enrolled as a freshman. The average
1 30 annual rate of growth of the tuition and fees established by
1 31 the board for the fixed rate tuition plan shall not exceed the
1 32 percentage increase in the most recently published higher
1 33 education price index.
1 34 3. If the tuition and fees established by the board for
1 35 the fixed rate tuition and fee plan for the next academic year



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2 1 are less than the tuition and fees charged under the current
2 2 or a prior academic year's fixed rate tuition and fee plan,
2 3 the board shall lower the tuition and fees charged under the
2 4 current or prior fixed rate tuition plans which are in effect
2 5 to the same rates established under the fixed rate tuition and
2 6 fee plan for the next academic year.

2 7 4. If a full-time resident student transfers from one
2 8 institution of higher learning under the control of the board
2 9 to another such institution, the institution to which the
2 10 student transfers shall charge the student an amount for
2 11 tuition and fees that does not exceed the amount the student
2 12 was charged when the student enrolled as a first-time freshman
2 13 at the previous institution.

2 14 5. The plan shall continue in effect for a student who, as
2 15 a result of a hardship or other good cause shown, is unable to
2 16 meet grade expectations as a full-time student in accordance
2 17 with subsection 2, even if the student must suspend enrollment
2 18 or attend part-time. For purposes of this subsection,
2 19 hardship or other good cause includes a showing of at least
2 20 one of the following:

2 21 a. A severe illness or other debilitating condition that
2 22 affects the student's ability to satisfy the academic and
2 23 attendance requirements of the institution at which the
2 24 student enrolled.

2 25 b. The student's responsibility for the care of a sick,
2 26 injured, or needy person if the provision of care affects the
2 27 student's ability to satisfy the academic and attendance
2 28 requirements of the institution at which the student enrolled.

2 29 c. The student is unable to complete a degree program as a
2 30 full-time student because a course is unavailable due to a
2 31 lack of available classes or class space.

2 32 d. The student, with the approval of the institution,
2 33 changes the student's major or degree program and needs
2 34 additional time to complete an undergraduate degree in the new
2 35 major or degree program.



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4 1 established for the next academic year.
4 2 Provision is made for students who transfer from one state
4 3 university to another, and for students who, as a result of a
4 4 hardship or other good cause shown, are unable to remain
4 5 continuously enrolled as a full-time student. Hardship and
4 6 good cause include showings of severe illness or other
4 7 debilitating condition; a responsibility to care for a sick,
4 8 injured, or needy person; unavailability of classes or class
4 9 space; and a university-approved change in majors or degree
4 10 programs.
4 11 The bill includes transitional language to permit resident
4 12 students currently enrolled in state universities to be
4 13 considered first-time freshmen for purposes of the plan
4 14 established for the next academic year.
4 15 LSB 1719XS 82
4 16 kh:nh/es/88.2



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Senate File 190 - Introduced

SENATE FILE
BY HATCH

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring certain providers under the state child care
- 2 assistance program to be regulated by the department of human
- 3 services.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1320XS 82
- 6 jp/je/5



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Senate File 190 - Introduced continued

PAG LIN

1 1 Section 1. Section 237A.5, subsection 2, paragraph a,
1 2 subparagraph (1), subparagraph subdivisions (d) and (e), Code
1 3 2007, are amended to read as follows:

1 4 (d) The person has applied for or receives public funding
1 5 for providing child care under the state child care assistance
1 6 program pursuant to section 237A.13 or another program.

1 7 (e) The person will reside or resides in a child care home
1 8 that is not registered under this chapter but that receives
1 9 public funding for providing child care under the state child
1 10 care assistance program pursuant to section 237A.13 or another
1 11 program.

1 12 Sec. 2. Section 237A.13, subsections 2 and 3, Code 2007,
1 13 are amended to read as follows:

1 14 2. Services under the program ~~may~~ shall be provided ~~in~~ by
1 15 a licensed child care center, a child development home, ~~the~~
~~1 16 home of or~~ or a relative of the child who is not a registered or
1 17 licensed provider under this chapter, the child's own home, a
1 18 child care home, or in a facility exempt from licensing or
1 19 registration under the exceptions to the term "child care" in
1 20 section 237A.1. For the purposes of this subsection,
1 21 "relative of the child" means an adult person other than the
1 22 child's parent, guardian, or custodian who is the child's
1 23 sibling, grandparent, aunt, or uncle.

1 24 3. The department shall set reimbursement rates as
1 25 authorized by appropriations enacted for payment of the
1 26 reimbursements. The department shall conduct a statewide
1 27 reimbursement rate survey to compile information on each
1 28 county and the survey shall be conducted at least every two
1 29 years. The department shall set rates in a manner so as to
1 30 provide incentives for ~~an unregistered~~ a provider who is not a
1 31 registered or licensed provider under this chapter to become
1 32 registered or licensed.

1 33 EXPLANATION

1 34 This bill requires certain providers under the state child
1 35 care assistance program to be regulated by the department of



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2 1 human services.

2 2 The bill amends Code section 237A.13, relating to the
2 3 program, to require that a provider of services under the
2 4 program must be licensed or registered under Code chapter
2 5 237A, be a relative of the child, or the services must be
2 6 provided in a facility exempt from licensure or registration
2 7 by the department. The bill defines the term "relative of the
2 8 child" to mean an adult other than the child's parent,
2 9 guardian, or custodian who is the child's sibling,
2 10 grandparent, aunt, or uncle. The bill provides that a
2 11 facility exempt from licensure or registration by the
2 12 department means the facility is included in the list of
2 13 exceptions to the term "child care" in the Code chapter 237A
2 14 definitions. These exceptions include child care programs
2 15 administered by public or private schools, certain
2 16 church-related programs, and nationally accredited camps. The
2 17 bill also revises a requirement that the department set
2 18 reimbursement rates in a manner so that unregistered providers
2 19 have an incentive to become registered to also apply to
2 20 providers who are not licensed.

2 21 The bill also amends Code section 237A.5, relating to
2 22 criminal and abuse registry checks of child care providers, to
2 23 refer to the state child care assistance program in the record
2 24 check requirements applicable to persons who receive public
2 25 funding for providing child care.

2 26 LSB 1320XS 82

2 27 jp:nh/je/5



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Senate File 191 - Introduced

SENATE FILE

BY BEALL, STEWART, KREIMAN,
 RAGAN, DANIELSON, DOTZLER,
 DVORSKY, SCHMITZ, DEARDEN,
 APPEL, FRAISE, COURTNEY,
 GRONSTAL, KIBBIE, BOLKCOM,
 QUIRMBACH, McCOY, CONNOLLY,
 BLACK, HATCH, SCHOENJAHN,
 HECKROTH, and MULDER

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act requiring certain health insurance policies to provide
 2 coverage for colorectal and prostate cancer screening under
 3 some circumstances and providing an applicability date.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 2020XS 82
 6 av/es/88



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Senate File 191 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.23 COLORECTAL AND PROSTATE
1 2 CANCER SCREENING COVERAGE.
1 3 1. Notwithstanding the uniformity of treatment
1 4 requirements of section 514C.6, a policy, contract, or plan
1 5 providing for third-party payment or prepayment of health or
1 6 medical expenses shall provide minimum colorectal cancer
1 7 screening coverage and minimum prostate cancer screening
1 8 coverage, including but not limited to the following classes
1 9 of third-party payment provider contracts or policies
1 10 delivered, issued for delivery, continued, or renewed in this
1 11 state on or after January 1, 2008:
1 12 a. Individual or group accident and sickness insurance
1 13 providing coverage on an expense-incurred basis.
1 14 b. An individual or group hospital or medical service
1 15 contract issued pursuant to chapter 509, 514, or 514A.
1 16 c. An individual or group health maintenance organization
1 17 contract regulated under chapter 514B.
1 18 d. An individual or group Medicare supplemental policy,
1 19 unless coverage pursuant to such policy is preempted by
1 20 federal law.
1 21 2. This section shall not apply to accident only,
1 22 specified disease, short-term hospital or medical, hospital
1 23 confinement indemnity, credit, dental, vision, long-term care,
1 24 basic hospital, and medical=surgical expense coverage as
1 25 defined by the commissioner, disability income insurance
1 26 coverage, coverage issued as a supplement to liability
1 27 insurance, workers' compensation or similar insurance, or
1 28 automobile medical payment insurance.
1 29 3. As used in this section, "minimum colorectal cancer
1 30 screening coverage" means benefits for colorectal examinations
1 31 and laboratory tests for cancer for any nonsymptomatic covered
1 32 individual in accordance with the most recently published
1 33 guidelines of the American cancer society for colorectal
1 34 cancer screening, which at a minimum provide coverage for
1 35 colorectal cancer screening every year for any individual who



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2 1 is fifty years of age or older, or for any individual who is
2 2 less than fifty years of age and is at high risk for
2 3 colorectal cancer according to the most recently published
2 4 guidelines of the American cancer society.
2 5 4. As used in this section, "minimum prostate cancer
2 6 screening coverage" means benefits for prostate cancer
2 7 screening examinations including a digital rectal examination
2 8 and a prostate-specific antigen or equivalent test for the
2 9 presence of prostate cancer, which at a minimum provide
2 10 coverage for prostate cancer screening every year for all men
2 11 who are fifty years of age or older, and for all men less than
2 12 fifty years of age who are symptomatic or at high risk for
2 13 prostate cancer as determined by the treating physician.
2 14 As used in this subsection, "prostate-specific antigen or
2 15 equivalent test for the presence of prostate cancer" means a
2 16 seriological test for determining the presence of prostate
2 17 cytoplasmic protein and the generation of antibodies to it, as
2 18 a novel marker for prostatic disease.
2 19 5. The annual deductible or coinsurance for minimum
2 20 colorectal cancer screening coverage or minimum prostate
2 21 cancer screening coverage shall not be greater than the annual
2 22 deductible or coinsurance established for similar benefits
2 23 under the policy, contract, or plan. If the policy, contract,
2 24 or plan does not provide similar benefits, the deductible or
2 25 coinsurance for minimum colorectal cancer screening coverage
2 26 or minimum prostate cancer screening coverage shall not be an
2 27 amount that materially diminishes the value of the required
2 28 coverage.
2 29 6. The commissioner of insurance shall adopt rules under
2 30 chapter 17A as necessary to do all of the following:
2 31 a. Administer the provisions of this section.
2 32 b. Ensure that policies, contracts, or plans that provide
2 33 third-party payment or prepayment of health or medical
2 34 expenses do not include burdensome criteria or other obstacles
2 35 which interfere with access to and provision of the benefits



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3 1 required by this section.

3 2 EXPLANATION

3 3 This bill creates new Code section 514C.23, which mandates
3 4 payment of health care costs for minimum colorectal cancer
3 5 screening coverage and minimum prostate cancer screening
3 6 coverage in certain policies, contracts, or plans providing
3 7 for third-party payment or prepayment of health or medical
3 8 expenses. The bill provides that the mandate does not apply
3 9 to certain specified types of insurance coverage.

3 10 The bill defines "minimum colorectal cancer examination
3 11 coverage" as benefits for colorectal examinations and
3 12 laboratory tests for cancer for any nonsymptomatic covered
3 13 individual in accordance with the most recently published
3 14 guidelines of the American cancer society for colorectal
3 15 cancer screening. The covered benefits must, at a minimum,
3 16 provide for annual colorectal cancer screening for any
3 17 individual who is 50 years of age or older or for any
3 18 individual who is less than 50 years old and is at high risk
3 19 for colorectal cancer according to the most recently published
3 20 guidelines of the American cancer society.

3 21 The bill defines "minimum prostate cancer screening
3 22 coverage" to mean benefits for prostate cancer screening
3 23 examinations including a digital rectal examination and a
3 24 prostate-specific antigen (PSA) or equivalent test for the
3 25 presence of prostate cancer. The covered benefits must, at a
3 26 minimum, provide for annual prostate cancer screening for any
3 27 individual who is 50 years of age or older or for any
3 28 individual who is less than 50 years old and is symptomatic or
3 29 at high risk for prostate cancer as determined by the treating
3 30 physician. The bill also defines "prostate-specific antigen
3 31 (PSA) or equivalent test for the presence of prostate cancer"
3 32 to mean a seriological test for determining the presence of
3 33 prostate cytoplasmic protein and the generation of antibodies
3 34 to it, as a novel marker for prostatic disease.

3 35 The covered benefits also cannot be subject to an annual



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4 1 deductible or coinsurance that is greater than that
4 2 established for similar benefits, or if there are no similar
4 3 covered benefits, then the deductible or coinsurance cannot be
4 4 in an amount that materially diminishes the value of the
4 5 required coverage.
4 6 The bill also requires the commissioner of insurance to
4 7 adopt rules under Code chapter 17A as necessary to administer
4 8 the new Code section and to prevent insurers from adopting
4 9 burdensome criteria or creating other obstacles which
4 10 interfere with access to or provision of the benefits required
4 11 by the new Code section.
4 12 The new Code section applies to third-party payment
4 13 provider policies, contracts, or plans that are delivered,
4 14 issued for delivery, continued, or renewed in this state on or
4 15 after January 1, 2008.
4 16 LSB 2020XS 82
4 17 av:rj/es/88



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Senate File 192 - Introduced

SENATE FILE
BY BOLKCOM

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

A BILL FOR

- 1 An Act relating to a change in the compulsory education
- 2 attendance age and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2493SS 82
- 5 kh/gg/14



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Senate File 192 - Introduced continued

PAG LIN

1 1 Section 1. Section 299.1A, Code 2007, is amended to read
1 2 as follows:
1 3 299.1A COMPULSORY ATTENDANCE AGE.
1 4 ~~A~~ Except as provided in section 299.2, a child who has
1 5 reached the age of six and is under ~~sixteen~~ seventeen years of
1 6 age by September 15 is of compulsory attendance age. However,
1 7 if a child enrolled in a school district or accredited
1 8 nonpublic school reaches the age of ~~sixteen~~ seventeen on or
1 9 after September 15, the child remains of compulsory age until
1 10 the end of the regular school calendar.

1 11 Sec. 2. Section 299.2, unnumbered paragraph 1, Code 2007,
1 12 is amended to read as follows:

1 13 ~~Section~~ Sections 299.1 and 299.1A shall not apply to any
1 14 child:

1 15 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
1 16 with section 25B.2, subsection 3, the state cost of requiring
1 17 compliance with any state mandate included in this Act shall
1 18 be paid by a school district from state school foundation aid
1 19 received by the school district under section 257.16. This
1 20 specification of the payment of the state cost shall be deemed
1 21 to meet all the state funding-related requirements of section
1 22 25B.2, subsection 3, and no additional state funding shall be
1 23 necessary for the full implementation of this Act by and
1 24 enforcement of this Act against all affected school districts.

1 25 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1,
1 26 2008.

1 27 EXPLANATION

1 28 This bill raises the compulsory school attendance age from
1 29 16 to 17 years of age. The bill includes a technical
1 30 amendment to exempt children who meet conditions existing in
1 31 Code section 299.2.

1 32 The bill may include a state mandate as defined in Code
1 33 section 25B.3. The bill requires that the state cost of any
1 34 state mandate included in the bill be paid by a school
1 35 district from state school foundation aid received by the



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2 1 school district under Code section 257.16. The specification
2 2 is deemed to constitute state compliance with any state
2 3 mandate funding-related requirements of Code section 25B.2.
2 4 The inclusion of this specification is intended to reinstate
2 5 the requirement of political subdivisions to comply with any
2 6 state mandates included in the bill.
2 7 The bill takes effect July 1, 2008.
2 8 LSB 2493SS 82
2 9 kh:nh/gg/14



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Senate File 193 - Introduced

SENATE FILE
BY RIELLY

(COMPANION TO LSB 2328HH
BY QUIRK)

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

A BILL FOR

- 1 An Act allowing small business wellness and disease management
- 2 initiatives, and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2328SS 82
- 5 av/cf/24



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Senate File 193 - Introduced continued

PAG LIN

1 1 Section 1. Section 513B.4, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 6. Notwithstanding subsection 4, a small
1 4 employer carrier may offer to transfer a small employer into a
1 5 different class of business with a lower index rate based upon
1 6 claims experience, implementation of managed care or wellness
1 7 programs, or health status improvement of the small employer
1 8 since issue.

1 9 Sec. 2. NEW SECTION. 513B.4B SMALL EMPLOYER INCENTIVES
1 10 == SUSPENSION OR MODIFICATION OF PREMIUM RATE RESTRICTIONS.

1 11 1. In order to encourage voluntary participation in
1 12 wellness or disease management programs, a small employer
1 13 carrier may offer premium credits or discounts to a small
1 14 employer for the benefit of eligible employees of that small
1 15 employer who participate in such a program. An employee shall
1 16 not be penalized in any way for not participating in such a
1 17 program.

1 18 2. The commissioner shall adopt, by rule or order,
1 19 provisions allowing suspension or modification of premium rate
1 20 restrictions to enable a small employer carrier to provide
1 21 premium credits or discounts to a small employer based on
1 22 measurable reductions in costs of that small employer,
1 23 including but not limited to tobacco use cessation,
1 24 participation in established wellness or disease management
1 25 programs, and reduced administrative or distribution costs.

1 26 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
1 27 immediate importance, takes effect upon enactment.

1 28 EXPLANATION

1 29 This bill authorizes small business wellness and disease
1 30 management initiatives. Code section 513B.4 is amended to
1 31 allow a small employer carrier to transfer a small employer
1 32 into a different class of business with a lower index rate
1 33 based upon claims experience, implementation of managed care
1 34 or wellness programs, or health status improvement of the
1 35 small employer since issuance of the policy.



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2 1 New Code section 513B.4B allows a small employer carrier to
2 2 offer premium credits or discounts to a small employer for the
2 3 benefit of eligible employees of that employer who voluntarily
2 4 participate in wellness or disease management programs. The
2 5 bill requires the commissioner of insurance to adopt rules or
2 6 orders allowing suspension or modification of premium rate
2 7 restrictions to enable a small employer carrier to provide
2 8 such premium credits or discounts to a small employer based on
2 9 measurable reductions in costs of that small employer,
2 10 including but not limited to tobacco use cessation,
2 11 participation in established wellness or disease management
2 12 programs, and reduced administrative or distribution costs.
2 13 The bill prohibits an employee from being penalized in any way
2 14 for not participating in a wellness or disease management
2 15 program.
2 16 The bill takes effect upon enactment.
2 17 LSB 2328SS 82
2 18 av:rj/cf/24



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Senate File 194 - Introduced

SENATE FILE

BY McKIBBEN, PUTNEY, BEHN, GASKILL,
NOBLE, SEYMOUR, McKINLEY, ZAUN,
WARD, HARTSUCH, BOETTGER, ANGELO,
WIECK, and HAHN

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

A BILL FOR

1 An Act creating the penalty of death for the commission of murder
2 in the first degree, kidnapping, and sexual abuse against the
3 same minor, providing a penalty, and providing an effective
4 date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2416XS 82
7 jm/je/5



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Senate File 194 - Introduced continued

PAG LIN

1 1 Section 1. Section 13B.4, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 6A. The state public defender shall
1 4 perform all of the following duties with respect to the
1 5 appointment of counsel for indigent persons in cases in which
1 6 a sentence of death may be or is to be imposed:

1 7 a. Provide or contract with attorneys for appointment as
1 8 lead counsel and cocounsel to provide legal services in cases
1 9 where a person is charged with murder in the first degree,
1 10 kidnapping, and sexual abuse under section 902.15, and the
1 11 state has given notice of intent to seek the death penalty or
1 12 in cases in which a sentence of death is to be imposed.

1 13 b. Conduct or sponsor specialized training programs for
1 14 attorneys representing persons who may be executed.

1 15 Sec. 2. NEW SECTION. 602.10111A QUALIFICATIONS OF
1 16 COUNSEL IN DEATH PENALTY CASES.

1 17 The supreme court shall prescribe rules which establish
1 18 minimum standards and procedures by which attorneys may become
1 19 qualified to provide legal services as lead counsel in cases
1 20 in which a sentence of death may be or is to be imposed.

1 21 Sec. 3. NEW SECTION. 812A.1 PROCEDURE TO DETERMINE
1 22 SANITY OF CONDEMNED INMATE.

1 23 1. At any time prior to execution of an inmate under
1 24 section 902.1, if the director of the department of
1 25 corrections or the counsel for a person who is under a
1 26 sentence of execution has cause to believe that the inmate is
1 27 suffering from such a diseased or deranged condition of the
1 28 mind as to prevent the defendant from knowing the nature and
1 29 quality of the act the defendant has been convicted of, or
1 30 from understanding that trial on the offense has taken place
1 31 and that execution proceedings are about to take place, or to
1 32 otherwise cause the defendant to lack the capacity to
1 33 understand the sentence which has been imposed and to
1 34 participate in any legal proceedings relating to the sentence,
1 35 the director or counsel may file a request with the court that



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2 1 issued the warrant for execution for a determination of the
2 2 inmate's sanity. If the district court determines that there
2 3 is not sufficient reason to believe that the inmate is insane,
2 4 the court shall enter an order denying the request and shall
2 5 state the grounds for denying the request. If the court
2 6 believes that there is sufficient reason to believe that the
2 7 inmate is insane, the court shall suspend the execution and
2 8 conduct a hearing to determine the sanity of the inmate.
2 9 2. At the hearing, the court shall determine the issue of
2 10 the inmate's sanity. Prior to the hearing, the court shall
2 11 appoint two licensed physicians or licensed psychologists, or
2 12 one licensed physician and one licensed psychologist, who are
2 13 qualified by training and practice, for purposes of conducting
2 14 a psychiatric or psychological examination of the inmate. The
2 15 physicians or psychologists shall examine the inmate and
2 16 report any findings in writing to the court within ten days
2 17 after the order of examination is issued. The inmate shall
2 18 have the right to present evidence and cross-examine any
2 19 witnesses at the hearing. Any statement made by the inmate
2 20 during the course of any examination provided for in this
2 21 section, whether or not the inmate consents to the
2 22 examination, shall not be admitted into evidence against the
2 23 inmate in any criminal proceeding for purposes other than a
2 24 determination of the inmate's sanity.
2 25 3. If, at the conclusion of a hearing held pursuant to
2 26 this section, the court determines that the inmate is sane,
2 27 the court shall enter an order setting a date for the inmate's
2 28 execution, which shall be carried into effect in the same
2 29 manner as provided in the original sentence. A copy of the
2 30 order shall be sent to the director of the department of
2 31 corrections and the governor.
2 32 4. If, at the conclusion of a hearing held pursuant to
2 33 this section, the court determines that the inmate is insane,
2 34 the court shall suspend the execution until further order. At
2 35 any time after issuance of the order, if the court has



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3 1 sufficient reason to believe that the inmate has become sane,
3 2 the court shall again determine the sanity of the inmate as
3 3 provided by this section. Proceedings pursuant to this
3 4 section may continue to be held at such times as the court
3 5 orders until it is either determined that the inmate is sane
3 6 or incurably insane.

3 7 Sec. 4. NEW SECTION. 814.28 REVIEW OF DEATH SENTENCE.

3 8 1. In a case in which a sentence of death is imposed, the
3 9 supreme court shall automatically review the judgment and
3 10 sentence. The court's review of the case shall be de novo.
3 11 The case shall not be transferred to the court of appeals.

3 12 2. A review by the supreme court of a judgment and
3 13 sentence imposing the punishment of death has priority over
3 14 all other criminal and other actions pending before the
3 15 supreme court.

3 16 3. The supreme court shall review the trial and judgment,
3 17 and shall separately review the sentencing proceeding. Upon
3 18 determining that errors did not occur at the trial requiring
3 19 reversal or modification of the judgment, the supreme court
3 20 shall proceed to determine if the sentence of death is
3 21 lawfully imposed. In its review of the sentencing proceeding
3 22 the supreme court shall determine all of the following:

3 23 a. Whether the sentence of death was imposed capriciously
3 24 or under the influence of prejudice or other arbitrary factor.

3 25 b. Whether the special verdicts returned under section
3 26 901.11 are supported by the evidence.

3 27 c. Whether the sentence of death is excessive or
3 28 disproportionate to the penalty imposed in similar cases,
3 29 considering both the crime and the defendant.

3 30 4. If the supreme court determines that the sentence of
3 31 death was not lawfully imposed, the court shall set aside the
3 32 sentence and shall remand the case to the trial court for a
3 33 second sentencing proceeding to determine if the imposition of
3 34 death is warranted.

3 35 5. If the supreme court affirms the judgment and sentence



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4 1 of death, the clerk of the supreme court shall certify the
4 2 judgment of the supreme court under the seal of the court to
4 3 the clerk of the trial court.
4 4 Sec. 5. Section 815.10, Code 2007, is amended by adding
4 5 the following new subsection:
4 6 NEW SUBSECTION. 1A. If two attorneys have not already
4 7 been appointed pursuant to section 13B.4 or 13B.9, the court
4 8 shall appoint, for each indigent person who is charged with
4 9 murder, kidnapping, and sexual abuse under section 902.15, and
4 10 in which a notice of intent to seek the death penalty has been
4 11 filed, two attorneys who are qualified under section
4 12 602.10111A to represent the person in the proceedings and in
4 13 all state legal proceedings which take place from the time the
4 14 person is indicted or arraigned until the person is sentenced
4 15 on the charge. In addition, if at any point in federal
4 16 postconviction proceedings an indigent person is not afforded
4 17 court-appointed counsel, the state shall provide counsel to
4 18 the person to present any claims determined meritorious by the
4 19 federal court if the person is not otherwise represented by
4 20 legal counsel. Only private attorneys and public defenders
4 21 who are qualified to provide representation in cases in which
4 22 the death penalty may be imposed are eligible for appointment
4 23 or assignment to a case in which the death penalty may be
4 24 imposed.
4 25 Sec. 6. NEW SECTION. 901.11 MURDER PROCEEDINGS ==
4 26 REQUEST FOR DEATH PENALTY == PENALTY PROCEEDINGS.
4 27 1. If a notice of intent to seek the death penalty has
4 28 been filed, objections to the imposition of the death penalty
4 29 based upon allegations that a defendant was mentally retarded
4 30 or mentally ill at the time of the commission of the offense
4 31 shall be raised within the time provided for the filing of
4 32 pretrial motions under rule of criminal procedure 2.11, Iowa
4 33 court rules. The court may, for good cause shown, allow late
4 34 filing of the motion. Hearing on the motion shall be held
4 35 prior to trial and the burden of proof shall be on the



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5 1 defendant to prove mental retardation or mental illness by a
5 2 preponderance of the evidence. However, a rebuttable
5 3 presumption of mental retardation arises if a defendant has an
5 4 intelligence quotient of seventy or below. If the court finds
5 5 that the defendant is mentally retarded, the defendant, if
5 6 convicted of murder, kidnapping, and sexual abuse under
5 7 section 902.15, shall not be sentenced to death but shall be
5 8 sentenced to life imprisonment in the manner provided in
5 9 section 902.1, subsection 1. A finding by the court that the
5 10 evidence presented by the defendant at the hearing does not
5 11 preclude the imposition of the death penalty under this
5 12 section and section 902.15 shall not preclude the introduction
5 13 of evidence of mental retardation or mental illness during the
5 14 penalty proceeding. If the court finds that evidence of
5 15 mental retardation or mental illness does not preclude
5 16 imposition of the death penalty, evidence of mental
5 17 retardation or mental illness may be reviewed by the jury in
5 18 the penalty proceeding and the jury shall not be informed of
5 19 the finding in the initial proceeding at any time during the
5 20 penalty proceeding.

5 21 2. If at the trial on a charge of murder, kidnapping, and
5 22 sexual abuse under section 902.15, the state intends to
5 23 request that the death penalty be imposed under section 902.1,
5 24 subsection 2, the prosecutor shall file a notice of intent to
5 25 seek the death penalty, at the time of and as part of the
5 26 information or indictment filed in the case.

5 27 3. If a notice of intent to seek the death penalty has
5 28 been filed, the trial shall be conducted in bifurcated
5 29 proceedings before the same trier of fact. During the initial
5 30 proceeding, the jury, or the court, if the defendant waives
5 31 the right to a jury trial, shall decide only whether the
5 32 defendant is guilty or not guilty of murder, kidnapping, and
5 33 sexual abuse under section 902.15.

5 34 a. If, in the initial proceeding, the court or jury finds
5 35 the defendant guilty of, or the defendant pleads guilty to, an



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6 1 offense other than murder, kidnapping, and sexual abuse under
6 2 section 902.15, the court shall sentence the defendant in
6 3 accordance with the sentencing procedures set forth in rule of
6 4 criminal procedure 2.23, Iowa court rules, and chapters 901
6 5 through 909, which are applicable to the offense.

6 6 b. If the court or jury finds the defendant guilty of, or
6 7 the defendant pleads guilty to, murder, kidnapping, and sexual
6 8 abuse under section 902.15, but the prosecuting attorney
6 9 waives the death penalty, the court shall sentence the
6 10 defendant to life imprisonment in accordance with the
6 11 sentencing procedures set forth in rule of criminal procedure
6 12 2.23, Iowa court rules, and chapters 901 through 909, which
6 13 are otherwise applicable to convictions of murder in the first
6 14 degree, kidnapping, and sexual abuse.

6 15 c. If the court or jury finds the defendant guilty of
6 16 murder, kidnapping, and sexual abuse under section 902.15, or
6 17 a defendant enters a plea of guilty in the initial proceeding,
6 18 and the prosecuting attorney does not waive imposition of the
6 19 death penalty, a penalty proceeding shall be held in the
6 20 manner provided in subsections 4 through 12.

6 21 4. No sooner than twenty-four hours after a verdict of
6 22 guilty or a plea of guilty to the charge of murder,
6 23 kidnapping, and sexual abuse under section 902.15 is returned
6 24 in the initial proceeding, a penalty proceeding shall be held
6 25 to determine whether the defendant shall be sentenced to death
6 26 or to life imprisonment. The proceeding shall be conducted in
6 27 the trial court before the trial jury, or the court if the
6 28 defendant has waived the right to a jury trial or has waived
6 29 the right for the proceeding to be before the trial jury.
6 30 Both the state and the defendant shall have the right to
6 31 present opening statements at the commencement of the penalty
6 32 proceedings. In the proceeding, evidence relevant to the
6 33 existence of any aggravating or mitigating circumstances may
6 34 be presented as follows:

6 35 a. The state or the defendant may present evidence



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7 1 relevant to the conviction of the criminal offenses enumerated
7 2 in section 902.15 and any aggravating circumstances other than
7 3 juvenile delinquency adjudications for offenses which carry
7 4 penalties equivalent to the penalties imposed for simple or
7 5 serious misdemeanors. The state may introduce evidence of the
7 6 actual harm caused by the commission of the murder,
7 7 kidnapping, and sexual abuse under section 902.15, including
7 8 but not limited to evidence relating to the life of the victim
7 9 and the impact of the loss of the victim to the victim's
7 10 family and society.

7 11 b. The defendant may present evidence that the defendant
7 12 was mentally retarded at the time of the commission of the
7 13 offense. The burden of proof shall be on the defendant to
7 14 prove mental retardation by a preponderance of the evidence.
7 15 However, a rebuttable presumption of mental retardation arises
7 16 if a defendant has an intelligence quotient of seventy or
7 17 below.

7 18 c. The state or the defendant may present evidence
7 19 relevant to any mitigating circumstances which may exist.
7 20 Mitigating circumstances may include the following
7 21 circumstances:

7 22 (1) The defendant was under the influence of an extreme
7 23 mental or emotional disturbance insufficient to constitute a
7 24 defense.

7 25 (2) The age of the defendant at the time of the murder.

7 26 (3) The defendant's capacity to appreciate the
7 27 wrongfulness of the defendant's conduct and to conform that
7 28 conduct to the requirements of law was significantly impaired
7 29 as a result of a mental disease or defect or mental
7 30 retardation, but not to a degree sufficient to constitute a
7 31 defense.

7 32 (4) The defendant has no significant history of prior
7 33 adult criminal activity.

7 34 (5) The defendant acted under extreme duress or under the
7 35 substantial domination of another person.



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8 1 (6) The defendant did not directly commit the murder,
8 2 kidnapping, and sexual abuse and the defendant did not intend
8 3 to kill or anticipate that lethal force would be used.

8 4 (7) Any other factor which is relevant to the defendant's
8 5 character or record or to the circumstances of the offense.

8 6 d. The state and the defendant or the defendant's counsel
8 7 shall be permitted to present and cross-examine witnesses and
8 8 present arguments for or against a sentence of death.

8 9 Evidence regarding aggravating and mitigating circumstances
8 10 shall not be governed by the rules governing admissibility of
8 11 evidence, except that introduction of evidence secured in
8 12 violation of the Constitution of the United States or of the
8 13 Constitution of the State of Iowa shall not be permitted.

8 14 5. At the conclusion of presentation of evidence in the
8 15 penalty proceeding, the state and the defendant or the
8 16 defendant's counsel shall be permitted to make closing
8 17 arguments, including any rebuttal arguments, in the same
8 18 manner as in the initial proceeding and the following issues
8 19 shall be determined by the jury or the court, if there is no
8 20 jury:

8 21 a. Whether the aggravating circumstance or circumstances
8 22 have been established beyond a reasonable doubt and outweigh
8 23 any one or more mitigating circumstances.

8 24 b. Whether the defendant shall be sentenced to death.

8 25 6. A recommendation for a sentence of death shall not be
8 26 permitted if the recommendation is based on the race, color,
8 27 religious beliefs, national origin, or sex of the defendant or
8 28 of any victim. After submission of the issues, but prior to
8 29 the return of a finding in the penalty proceeding, if the
8 30 matter is tried before a jury, the court shall instruct the
8 31 jury that in considering whether a sentence of death is
8 32 justified, it shall not consider race, color, religious
8 33 beliefs, national origin, or sex of the defendant or of any
8 34 victim. The court shall further instruct the jury that it
8 35 shall not return a sentence of death unless it concludes that
9 1 such a sentence would be recommended no matter what the race,
9 2 color, religious beliefs, national origin, or sex of the
9 3 defendant or of any victim may be.

9 4 7. After submission of the issues, but prior to the
9 5 commencement of the jury deliberations in the penalty
9 6 proceeding, the court shall instruct the jury that if the
9 7 defendant is not sentenced to death, the court is required by
9 8 law to impose a sentence of imprisonment until death without
9 9 parole. The court shall further instruct the jury that the
9 10 sentence of imprisonment until death without parole is
9 11 required by law if the jury fails to reach a unanimous verdict
9 12 recommending a sentence of death.

9 13 8. Concurrently with the return of the findings on the
9 14 issues submitted under subsection 5, the jury, or the court if
9 15 there is no jury, shall return special verdicts as follows:

9 16 a. Which aggravating circumstances were established beyond
9 17 a reasonable doubt and were considered in reaching the
9 18 verdict.

9 19 b. Which mitigating circumstances were established and
9 20 were considered in reaching the verdict returned on the issue
9 21 specified in subsection 5, paragraph "a".



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9 22 9. If the jury, or the court if there is no jury, returns
9 23 a unanimous affirmative finding on each of the issues
9 24 submitted under subsection 5, paragraphs "a" and "b", the
9 25 court shall enter a judgment of conviction and shall sentence
9 26 the defendant to death as provided in section 902.1,
9 27 subsection 2.

9 28 10. However, if evidence that the defendant was not a
9 29 major participant in the commission of the murder, kidnapping,
9 30 and sexual abuse under section 902.15, and that the
9 31 defendant's conduct did not manifest a reckless indifference
9 32 to human life is presented to the jury, or the court if there
9 33 is no jury, the jury or the court shall also return a special
9 34 verdict on the issue. If the jury unanimously determines, or
9 35 the court, if there is no jury, finds that a preponderance of



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10 1 evidence exists that shows that the defendant was not a major
10 2 participant in the commission of the murder, kidnapping, and
10 3 sexual abuse under section 902.15, and that the defendant's
10 4 conduct did not manifest a reckless indifference to human
10 5 life, the court shall enter a judgment of conviction and shall
10 6 sentence the defendant to life imprisonment as provided in
10 7 section 902.1, subsection 1, even if the jury or the court
10 8 returns unanimous affirmative findings on each of the issues
10 9 submitted under subsection 5.

10 10 11. If the jury, or the court if there is no jury, returns
10 11 a negative finding on any of the issues submitted under
10 12 subsection 5, paragraphs "a" and "b", the court shall enter a
10 13 judgment of conviction and shall sentence the defendant to
10 14 life imprisonment as provided in section 902.1, subsection 1.

10 15 12. After a verdict has been rendered it shall be recorded
10 16 on the jury verdict form and shall be read and recorded in
10 17 open court. The jurors shall be collectively asked by the
10 18 court whether the verdict returned is their true and correct
10 19 verdict. Even though no juror makes any declaration to the
10 20 contrary, the jury shall, if either party so requests, be
10 21 polled and each juror shall be separately asked whether the
10 22 verdict rendered by the jury foreperson is the juror's true
10 23 and correct verdict. If, upon either the collective or the
10 24 separate inquiry, any juror denies that the verdict is the
10 25 juror's verdict, the court shall refuse to accept the verdict.
10 26 The court may direct inquiry or permit inquiry by counsel to
10 27 ascertain whether any juror has been subjected to coercion or
10 28 has become confused during the jury deliberation process. The
10 29 court may, as appropriate, direct the jury to resume
10 30 deliberation in the case. If no disagreement on the verdict
10 31 is expressed by any of the jurors, the court shall discharge
10 32 the jury.

10 33 13. This section shall not apply to a defendant who was
10 34 under the age of eighteen at the time the offense was
10 35 committed.



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11 1 Sec. 7. Section 902.1, Code 2007, is amended to read as
11 2 follows:
11 3 902.1 CLASS "A" FELONY.
11 4 1. ~~Upon~~ Except as otherwise provided in subsection 2, upon
11 5 a plea of guilty, a verdict of guilty, or a special verdict
11 6 upon which a judgment of conviction of a class "A" felony may
11 7 be rendered, the court shall enter a judgment of conviction
11 8 and shall commit the defendant into the custody of the
11 9 director of the Iowa department of corrections for the rest of
11 10 the defendant's life. Nothing in the Iowa corrections code
11 11 pertaining to deferred judgment, deferred sentence, suspended
11 12 sentence, or reconsideration of sentence applies to a sentence
11 13 of life imprisonment for a class "A" felony, and a person
11 14 convicted of a class "A" felony and sentenced to life
11 15 imprisonment shall not be released on parole unless the
11 16 governor commutes the sentence to a term of years.
11 17 2. Upon return of a plea or verdict of guilty to the
11 18 offense of murder in the first degree, kidnapping, and sexual
11 19 abuse under section 902.15, and a return of a verdict in favor
11 20 of a sentence of death in a penalty proceeding conducted as
11 21 provided in section 901.11, the court shall enter a judgment
11 22 of conviction and shall commit the defendant into the custody
11 23 of the director of the Iowa department of corrections. The
11 24 sentence shall be carried out by the administration of a
11 25 lethal injection pursuant to rules adopted by the board of
11 26 corrections. If a defendant, for whom a warrant of execution
11 27 is issued, is pregnant, the execution shall not take place
11 28 until after the defendant is no longer pregnant. If a
11 29 defendant, for whom a warrant of execution is issued, is
11 30 suffering from such a diseased or deranged condition of the
11 31 mind as to prevent the defendant from knowing the nature and
11 32 quality of the act the defendant has been convicted of, or
11 33 from understanding that trial on the offense has taken place
11 34 and that execution proceedings are about to take place, or
11 35 otherwise causes the defendant to lack the capacity to



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12 1 understand the sentence which has been imposed and to
12 2 participate in any legal proceedings relating to the sentence,
12 3 the execution shall not take place until after the defendant's
12 4 capacity is restored. If the director of the department of
12 5 corrections or the defendant's counsel files a request with
12 6 the court which issued the warrant of execution, alleging that
12 7 the defendant suffers from such a diseased or deranged
12 8 condition, a hearing on the matter shall be held in the manner
12 9 provided in section 812A.1. If a defendant was under the age
12 10 of eighteen at the time the offense was committed, the
12 11 defendant shall be sentenced as provided in subsection 1. For
12 12 the purposes of this section, "lethal injection" means a
12 13 continuous intravenous injection of a lethal substance
12 14 sufficient to cause death.

12 15 Sec. 8. NEW SECTION. 902.15 FIRST DEGREE MURDER,
12 16 KIDNAPPING, AND SEXUAL ABUSE.

12 17 A person who commits murder in the first degree,
12 18 kidnapping, and sexual abuse with respect to the same victim,
12 19 who is not mentally retarded or mentally ill, and who is age
12 20 eighteen or older at the time the offense is committed, shall
12 21 be eligible for a sentence of death under section 902.1,
12 22 subsection 2, if the victim was a minor.

12 23 For purposes of this section, "mentally retarded" means
12 24 significant subaverage general intellectual functioning
12 25 accompanied by significant deficits or impairments in adaptive
12 26 functioning manifested in the developmental period, but no
12 27 later than the age of eighteen years, and accompanied by
12 28 deficits in adaptive behavior.

12 29 For purposes of this section, "mentally ill" means the
12 30 condition of a person who is suffering from a chronic and
12 31 persistent serious mental disease or disorder and who, by
12 32 reason of that condition, lacks sufficient judgment to make
12 33 responsible decisions regarding treatment and is reasonably
12 34 likely to injure the person's self or others who may come into
12 35 contact with the person if the person is allowed to remain at



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13 1 liberty without treatment.

13 2 Sec. 9. NEW SECTION. 902.16 DATA COLLECTION FOR DEATH

13 3 PENALTY.

13 4 1. The supreme court shall collect data on all murder,
13 5 kidnapping, and sexual abuse charges in which the death
13 6 penalty is or was not waived, which are filed and processed in
13 7 the courts in this state. This data may be used by the
13 8 supreme court to determine whether death sentences imposed are
13 9 excessive or disproportionate, or under the influence of
13 10 prejudice as a result of racial discrimination under section
13 11 814.28. The court shall make this data available to litigants
13 12 in death penalty cases.

13 13 2. Data collected by public officials concerning factors
13 14 relevant to the imposition of the death sentence shall be made
13 15 publicly available.

13 16 Sec. 10. NEW SECTION. 903C.1 EXECUTIONS == REFUSAL TO
13 17 PERFORM.

13 18 An employee of the state who may lawfully perform, assist,
13 19 or participate in the execution of a person pursuant to
13 20 section 902.1, and rules adopted by the department of
13 21 corrections, shall not be required to perform, assist, or
13 22 participate in the execution. State employees who refuse to
13 23 perform, assist, or participate in the execution of a person
13 24 shall not be discriminated against in any way, including but
13 25 not limited to employment, promotion, advancement, transfer,
13 26 licensing, education, training, or the granting of any
13 27 privileges or appointments because of the refusal to perform,
13 28 assist, or participate in the execution.

13 29 Sec. 11. Section 904.105, Code 2007, is amended by adding
13 30 the following new subsection:

13 31 NEW SUBSECTION. 9A. Adopt rules pursuant to chapter 17A
13 32 pertaining to executions of persons convicted of murder,
13 33 kidnapping, and sexual abuse under section 902.15. Rules
13 34 adopted shall include but are not limited to rules permitting
13 35 the witnessing of executions by members of the public and the



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14 1 victim's family. Invitations to witness an execution shall at
14 2 least be extended to the following representatives of the news
14 3 media:

14 4 a. A representative from a wire service serving Iowa.

14 5 b. A representative from a broadcasting network serving
14 6 Iowa.

14 7 c. A representative from a television station located in
14 8 Iowa.

14 9 d. A representative from a radio station located in Iowa.

14 10 e. A representative from a daily newspaper published in
14 11 Iowa.

14 12 f. A representative from a weekly newspaper published in
14 13 Iowa.

14 14 g. A representative from the news media from the community
14 15 in which the condemned person resided, if that community is
14 16 located in Iowa.

14 17 Sec. 12. Rules of criminal procedure, Iowa court rules,
14 18 are amended by adding the following four sections of this Act.

14 19 Sec. 13. NEW RULE. 2.____ DEATH PENALTY == PROCEDURE.

14 20 2.____(1) If a notice of intent to seek the death penalty
14 21 has been filed, objections to the imposition of the death
14 22 penalty based upon allegations that a defendant was mentally
14 23 retarded at the time of the commission of the offense shall be
14 24 raised within the time provided for the filing of pretrial
14 25 motions under R.Cr.P. 2.11, Iowa court rules. The court may,
14 26 for good cause shown, allow late filing of the motion.
14 27 Hearing on the motion shall be held prior to trial and the
14 28 burden of proof shall be on the defendant to prove mental
14 29 retardation by a preponderance of the evidence. However, a
14 30 rebuttable presumption of mental retardation arises if a
14 31 defendant has an intelligence quotient of seventy or below. A
14 32 finding of the court that the evidence presented by the
14 33 defendant at the hearing does not preclude the imposition of
14 34 the death penalty under this rule and Iowa Code section 902.15
14 35 shall not preclude the introduction of evidence of mental



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15 1 retardation during the penalty proceeding. If the court finds
15 2 that the evidence presented by the defendant does not preclude
15 3 the imposition of the death penalty, evidence of mental
15 4 retardation may be reviewed by the jury during the penalty
15 5 proceeding and the jury shall not be informed of the finding
15 6 in the initial proceeding at any time during the penalty
15 7 proceeding.

15 8 2.____(2) Upon a finding or plea that a defendant is guilty
15 9 of murder, kidnapping, and sexual abuse under Iowa Code
15 10 section 902.15, in an initial proceeding, if a notice of
15 11 intent to seek the death penalty has been filed and has not
15 12 been waived, the court shall conduct a separate penalty
15 13 proceeding to determine whether the defendant shall be
15 14 sentenced to death or to life imprisonment. The penalty
15 15 proceeding shall be conducted in the trial court before the
15 16 trial jury, or the court, if there is no jury, no sooner than
15 17 twenty-four hours after the return of the verdict or plea in
15 18 the initial proceeding. In the penalty proceeding, additional
15 19 evidence may be presented as to the conviction for murder,
15 20 kidnapping, and sexual abuse under section 902.15, or any
15 21 aggravating or mitigating circumstance which may exist.
15 22 Presentation of evidence which is relevant to the existence of
15 23 an aggravating or mitigating circumstance shall not be bound
15 24 by the rules of evidence. This subsection does not authorize
15 25 the introduction of any evidence secured in violation of the
15 26 Constitution of the United States or of the Constitution of
15 27 the State of Iowa. The state and the defendant or the
15 28 defendant's counsel shall be permitted to cross-examine
15 29 witnesses and to present arguments for or against a sentence
15 30 of death.

15 31 2.____(3) On conclusion of the presentation of the evidence
15 32 in the penalty proceeding, the state and the defendant or the
15 33 defendant's counsel shall be permitted to make closing
15 34 arguments, including any rebuttal arguments, in the same
15 35 manner as in the initial proceeding and the court shall submit



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16 1 each of the following issues to the jury:
16 2 a. Whether one or more aggravating circumstances outweigh
16 3 any one or more mitigating circumstances.
16 4 b. Whether the defendant shall be sentenced to death.
16 5 If the case is not tried to a jury, the court shall
16 6 determine the issues.
16 7 2.__(4) The state must prove the issue in rule 2. __(3)(a)
16 8 beyond a reasonable doubt, and the jury, or the court if there
16 9 is no jury, shall return a special verdict of "yes" or "no" on
16 10 each issue.
16 11 2.__(5) If the case is tried to a jury, the court shall
16 12 charge the jury that:
16 13 a. It shall answer any issue "yes" if it agrees
16 14 unanimously.
16 15 b. It shall answer any issue "no" if the jurors
16 16 unanimously agree that the answer is "no" or if the jurors do
16 17 not unanimously agree that the answer is "yes".
16 18 2.__(6) Concurrently with the return of the special
16 19 verdicts under rule 2.__(3), the jury, or the court if there
16 20 is no jury, shall also return special verdicts as follows:
16 21 a. Which aggravating circumstances were established beyond
16 22 a reasonable doubt and were considered in reaching the verdict
16 23 returned on the issue specified in rule 2.__(3)(a).
16 24 b. Which mitigating circumstances were established and
16 25 were considered in reaching the verdict returned on the issue
16 26 specified in rule 2.__(3)(a).
16 27 2.__(7) If the jury, or the court if there is no jury,
16 28 returns an affirmative finding on all applicable issues, the
16 29 court shall sentence the defendant to death. If the jury or
16 30 the court returns a negative finding on any applicable issue,
16 31 the court shall sentence the defendant to the custody of the
16 32 director of the department of corrections for confinement for
16 33 the rest of the defendant's life.
16 34 2.__(8) After a verdict has been rendered it shall be
16 35 recorded on the jury verdict form and shall be read and



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17 1 recorded in open court. The jurors shall be collectively
17 2 asked by the court whether the verdict returned is their true
17 3 and correct verdict. Even though no juror makes any
17 4 declaration to the contrary, the jury shall, if either party
17 5 so requests, be polled and each juror shall be separately
17 6 asked whether the verdict rendered by the jury foreperson is
17 7 the juror's true and correct verdict. If, upon either the
17 8 collective or the separate inquiry, any juror denies that the
17 9 verdict is the juror's verdict, the court shall refuse to
17 10 accept the verdict. The court may direct inquiry or permit
17 11 inquiry by counsel to ascertain whether any juror has been
17 12 subjected to coercion or has become confused during the jury
17 13 deliberation process. The court may, as appropriate, direct
17 14 the jury to resume deliberation in the case. If no
17 15 disagreement on the verdict is expressed by any of the jurors,
17 16 the court shall discharge the jury.

17 17 2.__(9) Provisions relating to deferred judgment,
17 18 deferred sentence, suspended sentence, reconsideration of
17 19 sentence, probation, parole, or work release contained in Iowa
17 20 Code chapters 901 through 909 do not apply to a conviction of
17 21 murder, kidnapping, and sexual abuse under Iowa Code section
17 22 902.15 if the defendant is sentenced to death.

17 23 Sec. 14. NEW RULE. 2.____ AUTOMATIC REVIEW == STAY OF
17 24 EXECUTION OF JUDGMENT.

17 25 2.__(1) A judgment of conviction and sentence of death
17 26 shall be reviewed automatically in the manner provided in Iowa
17 27 Code section 814.28, and the Iowa supreme court has exclusive
17 28 jurisdiction of the review.

17 29 2.__(2) Upon entry of judgment and sentence of death, the
17 30 trial court shall prepare a complete record and transcript of
17 31 the action in the manner provided in the rules of criminal
17 32 procedure and shall docket the record and transcript with the
17 33 clerk of the supreme court.

17 34 2.__(3) The execution of judgment of the trial court is
17 35 stayed as a matter of law from the time of its entry until the



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18 1 judgment of the supreme court is certified to and entered by
18 2 the trial court. Upon entry of a judgment of the supreme
18 3 court which affirms the conviction and sentence, the stay of
18 4 execution of judgment terminates as a matter of law.

18 5 2.__(4) All court costs required due to the automatic
18 6 preparation of the record and transcript, docketing with the
18 7 supreme court, and stay of execution of judgment shall be
18 8 assessed to the state.

18 9 Sec. 15. NEW RULE. 2.____ ISSUANCE OF WARRANT.

18 10 2.__(1) Upon entry by the trial court of the judgment of
18 11 the supreme court affirming a judgment and sentence of death,
18 12 a district judge shall within five days of the entry issue a
18 13 warrant under the seal of the court for the execution of the
18 14 sentence of death. The warrant shall specifically set forth
18 15 the offense and the fact of conviction, shall state the
18 16 judgment and sentence of the court, shall state that the
18 17 judgment and sentence were affirmed by the supreme court and
18 18 the date of entry of judgment of the supreme court in the
18 19 trial court, and shall, subject to the requirements of Iowa
18 20 Code section 902.1, subsection 2, specify a range of five days
18 21 for execution of the defendant which shall be not less than
18 22 fifty nor more than sixty days after the date of entry in the
18 23 trial court of the judgment of the supreme court affirming the
18 24 judgment and sentence of death. The warrant shall be directed
18 25 to the director of the department of corrections commanding
18 26 the director to cause the warrant to be executed within the
18 27 dates specified. The trial court shall deliver the warrant to
18 28 the sheriff of the county in which judgment of conviction was
18 29 entered and the sheriff shall deliver the warrant to the
18 30 director of the department of corrections. The director of
18 31 the department of corrections shall acknowledge receipt of the
18 32 warrant and the defendant, and the sheriff shall return the
18 33 acknowledgment to the office of the clerk of the trial court
18 34 from which the warrant was issued.

18 35 2.__(2) Immediately after issuance of a warrant ordering
19 1 a sentence of death, the clerk of the trial court issuing the
19 2 warrant shall transmit by certified mail to the governor a
19 3 copy of the indictment, the plea, the verdict and special
19 4 findings, the affirmation of judgment and sentence by the
19 5 supreme court, and the complete transcript of the trial court.

19 6 2.__(3) Notwithstanding rule 2.__(1), if a defendant,
19 7 for whom a warrant of execution is issued, is pregnant, the
19 8 execution shall not take place until after the defendant is no
19 9 longer pregnant. Notwithstanding rule 2.__(1), if a
19 10 defendant, for whom a warrant of execution is issued, is
19 11 suffering from such a diseased or deranged condition of the
19 12 mind as to prevent the defendant from knowing the nature and
19 13 quality of the act the defendant has been convicted of, or
19 14 from understanding that trial on the offense has taken place
19 15 and that execution proceedings are about to take place, or to
19 16 otherwise cause the defendant to lack the capacity to
19 17 understand the sentence which has been imposed and to
19 18 participate in any legal proceedings relating to the sentence,
19 19 the execution shall not take place until after the defendant
19 20 is no longer suffering from the condition.

19 21 Sec. 16. NEW RULE. 2.____ EVIDENCE AT PENALTY PROCEEDING



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19 22 WHERE DEATH SENTENCE REQUESTED.

19 23 2.____(1) At a reasonable time before the commencement of
19 24 initial proceedings in a murder, kidnapping, and sexual abuse
19 25 trial in which a sentence of death has been requested, each
19 26 party shall file and serve upon the other party the following:

19 27 a. A list of all aggravating or mitigating circumstances
19 28 which the party intends to prove during the sentencing
19 29 proceedings.

19 30 b. The names of all persons whom the party intends to call
19 31 as witnesses during the sentencing proceedings.

19 32 c. Notwithstanding rule 2.14, copies, or for inspection
19 33 purposes, the location, of all documents, including books,
19 34 papers, writings, drawings, graphs, charts, photographs,
19 35 telephone records, and other data compilations from which



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20 1 information can be obtained, or other objects which the party
20 2 intends to offer into evidence during the sentencing
20 3 proceedings. If copies are not supplied to opposing counsel,
20 4 the party shall make the items available for inspection and
20 5 copying without order of the court.

20 6 2.__(2) In proceedings to determine whether the sentence
20 7 shall be death or life imprisonment, evidence may be presented
20 8 as to any matter which the trial court deems relevant to the
20 9 sentence, including but not limited to the nature,
20 10 circumstances, and manner of completion of the murder,
20 11 kidnapping, and sexual abuse, and the defendant's character,
20 12 background, history, and mental and physical condition. The
20 13 trial court shall admit any relevant admissible evidence
20 14 respecting any aggravating or mitigating circumstances, if the
20 15 party has included the circumstance on a list provided
20 16 pursuant to this rule, or good cause is shown for the failure
20 17 to do so.

20 18 Sec. 17. EFFECTIVE DATE == SEVERABILITY.

20 19 1. This Act takes effect January 1, 2008, and applies to
20 20 offenses committed on or after that date.

20 21 2. If any provision of this Act or the application thereof
20 22 to any person is invalid, the invalidity shall not affect the
20 23 provisions or application of this Act which can be given
20 24 effect without the invalid provisions or application and to
20 25 this end, the provisions of this Act are severable.

20 26 EXPLANATION

20 27 This bill amends the Iowa criminal code to provide for
20 28 punishment by death for murder, kidnapping, and sexual abuse
20 29 committed with respect to the same victim who is a minor if
20 30 the trial jury, or the judge if there is no jury, makes
20 31 specific findings and whether the jury believes the defendant
20 32 should be put to death in a separate penalty proceeding held
20 33 after the close of the initial trial proceeding. Under the
20 34 bill, a death sentence could be imposed if the murder would
20 35 constitute murder in the first degree and the state pleads and



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21 1 proves the defendant also kidnapped and committed sexual abuse
21 2 against the murder victim who was a minor.

21 3 If a person is indigent and is charged with capital murder,
21 4 payment of costs for two attorneys is authorized. The supreme
21 5 court is required to establish standards for the competency of
21 6 counsel in death penalty cases. The state public defender is
21 7 charged with establishing teams of qualified lead and
21 8 cocounsel for death penalty cases, as well as conducting or
21 9 sponsoring specialized training programs for attorneys
21 10 representing persons who may be executed.

21 11 If such a case proceeds to trial and a notice of intent to
21 12 seek the death penalty has been filed, in addition to any
21 13 other defenses which may be presented to the charge, the
21 14 defendant may raise the issue of mental retardation during the
21 15 time of filing pretrial motions, and the defendant is entitled
21 16 to a rebuttable presumption of mental retardation if the
21 17 defendant establishes that the defendant has an intelligence
21 18 quotient of 70 or below.

21 19 Once the evidence is submitted to the jury, the court will
21 20 instruct the jury, at the defendant's request, that in
21 21 considering whether a sentence of death is justified, the
21 22 race, color, religious beliefs, national origin, or sex of the
21 23 defendant or of any victim is not to be considered. The
21 24 supreme court shall collect evidence relating to whether the
21 25 death sentences imposed are excessive, disproportionate, or
21 26 imposed under the influence of prejudice at trial which will
21 27 be available to litigants.

21 28 The sentence of death is imposed only when the trier of
21 29 fact (the jury or the court if the defendant has waived the
21 30 right to a jury trial) unanimously answers two questions
21 31 affirmatively: (1) whether aggravating circumstances
21 32 established beyond a reasonable doubt outweigh any mitigating
21 33 circumstances that may exist; and (2) whether the defendant
21 34 should be sentenced to death. Mitigating factors the trier of
21 35 fact may consider include the following: the defendant was



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22 1 under the influence of an extreme mental or emotional
22 2 disturbance; the age of the defendant; the defendant's ability
22 3 to appreciate the wrongfulness of the conduct due to mental
22 4 disease but not to a degree to constitute a defense; the
22 5 defendant has no significant prior criminal history; the
22 6 defendant was under extreme duress; the defendant did not
22 7 directly commit the murder, kidnapping, and sexual abuse; and
22 8 the defendant's character or record or the circumstances of
22 9 the offense. The sentencing proceeding is conducted
22 10 separately from the finding of guilt or innocence by the same
22 11 trier of fact.

22 12 For the sentencing proceeding, the trier of fact (the jury
22 13 or the court if the defendant has waived the right to have the
22 14 jury hear the proceedings) is to weigh any aggravating
22 15 circumstances established beyond a reasonable doubt by the
22 16 state against any of the enumerated mitigating circumstances
22 17 which may be presented by the defendant. Evidence of certain
22 18 juvenile delinquency adjudications is not admissible in any
22 19 proceeding to determine the sentence. If the jury fails to
22 20 agree unanimously on the required affirmative findings, the
22 21 penalty would be life imprisonment.

22 22 The death penalty sentence would be reviewed automatically
22 23 by the supreme court. The supreme court shall review the
22 24 trial and judgment separately from the sentencing proceeding.
22 25 If the supreme court finds error in the sentencing proceeding,
22 26 the supreme court may remand the case back to district court
22 27 for a new sentencing hearing. The bill requires the supreme
22 28 court to examine whether the sentence is excessive or
22 29 disproportionate to penalties in similar cases. If affirmed
22 30 by the supreme court, the penalty would be accomplished by
22 31 lethal injection. The bill requires the board of corrections
22 32 to adopt rules pertaining to executions, including rules
22 33 pertaining to the witnessing of executions. The bill requires
22 34 the supreme court to collect data on all murder, kidnapping,
22 35 and sexual abuse in which the death penalty is or was not



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Senate File 194 - Introduced continued

23 1 waived. The data may be used by the supreme court to
23 2 determine whether death sentences imposed are excessive or
23 3 under the influence of prejudice.

23 4 The bill further provides that in order to receive a
23 5 sentence of death, the defendant must be at least 18 years of
23 6 age at the time the offense is committed, must not be mentally
23 7 ill or mentally retarded, and must have been a major
23 8 participant in the commission of the crime or must have shown
23 9 a manifest indifference to human life.

23 10 A person who is sentenced to death, but who is pregnant
23 11 when the warrant of execution is issued, is not to be executed
23 12 until the person is no longer pregnant. A procedure is also
23 13 provided to stay execution of a condemned inmate who becomes
23 14 insane after conviction but before execution.

23 15 An employee of the state shall not be required to perform
23 16 or assist in any execution and shall not be discriminated
23 17 against for refusing to participate.

23 18 The bill contains severability provisions and takes effect
23 19 January 1, 2008, and applies only to offenses committed on or
23 20 after that date.

23 21 LSB 2416XS 82

23 22 jm:rj/je/5



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Senate File 195 - Introduced

SENATE FILE
BY HOGG

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

A BILL FOR

1 An Act relating to waste tires deposited on land owned by a
2 nonprofit organization.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1034XS 82
5 tm/je/5



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Senate File 195 - Introduced continued

PAG LIN

1 1 Section 1. Section 455D.11G, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 3. Notwithstanding any provision in this
1 4 chapter, if waste tires are deposited on land owned by a
1 5 nonprofit organization without the permission of the nonprofit
1 6 organization and are the object of an abatement, the nonprofit
1 7 organization shall not be liable for any of the cost of the
1 8 abatement.

1 9 EXPLANATION

1 10 This bill relates to waste tires deposited on land owned by
1 11 a nonprofit organization.

1 12 The bill provides that if waste tires are deposited on land
1 13 owned by a nonprofit organization without the permission of
1 14 the nonprofit organization and are the object of an abatement,
1 15 the nonprofit organization shall not be liable for any of the
1 16 cost of the abatement.

1 17 LSB 1034XS 82

1 18 tm:nh/je/5



Iowa General Assembly
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February 15, 2007

Senate File 196 - Introduced

SENATE FILE
BY HOGG

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

A BILL FOR

- 1 An Act providing for a use tax refund for certain fuel=efficient
- 2 motor vehicles, and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1948SS 82
- 5 rn/cf/24



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Senate File 196 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 423.6A FUEL=EFFICIENT MOTOR
1 2 VEHICLES == REFUND.
1 3 1. A person who purchases a new motor vehicle on or after
1 4 July 1, 2007, may apply to the department for a refund of a
1 5 portion of the amount of use tax imposed and paid at the time
1 6 of purchase of the new motor vehicle by the applicant in the
1 7 amount issued on a tax refund certificate issued pursuant to
1 8 section 473.46.
1 9 2. The refund may be obtained only in the following manner
1 10 and under the following conditions:
1 11 a. On a form furnished by the department and filed by
1 12 April 30 after the end of the calendar year in which the tax
1 13 refund is to be applied, the applicant shall report to the
1 14 department the total amount of use tax paid for the new motor
1 15 vehicle on which the use tax refund certificate was issued
1 16 pursuant to section 473.46.
1 17 b. If required by the department, the applicant shall
1 18 prove that the person making the sale has included the amount
1 19 of the sale in the computation of the sales price and that
1 20 such person has paid the use tax levied under section 423.5
1 21 based upon such computation of the sales price.
1 22 c. The applicant shall provide the use tax refund
1 23 certificate issued pursuant to section 473.46 to the
1 24 department with the form required by paragraph "a".
1 25 3. If satisfied that the foregoing conditions and
1 26 requirements have been complied with, the department shall
1 27 refund the amount claimed by the applicant for an amount not
1 28 greater than the amount of the use tax refund issued in the
1 29 use tax refund certificate pursuant to section 473.46. The
1 30 department shall not issue refunds for an amount greater than
1 31 the amount appropriated under or available for the refunds in
1 32 section 423.6B. An application for a refund under this
1 33 section received after the amount of appropriated funds under
1 34 section 423.6B has been expended shall be held by the
1 35 department until the following fiscal year, at which time the



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Senate File 196 - Introduced continued

2 1 department shall reconsider the application.

2 2 Sec. 2. NEW SECTION. 423.6B APPROPRIATION FOR FUEL=
2 3 EFFICIENT MOTOR VEHICLE REFUND.

2 4 There is appropriated from the general fund of the state
2 5 each fiscal year for the fiscal period beginning July 1, 2007,
2 6 and ending June 30, 2012, to the department of revenue the sum
2 7 of five million dollars to be used for fuel=efficient motor
2 8 vehicle use tax refunds established under section 423.6A.

2 9 Amounts appropriated pursuant to this section shall be in
2 10 addition to, and shall not replace, funds otherwise
2 11 appropriated to the department of revenue. Notwithstanding
2 12 section 8.33, moneys appropriated in this section that remain
2 13 unencumbered or unobligated at the close of each fiscal year
2 14 shall not revert but shall remain available for expenditure
2 15 for the purposes designated.

2 16 This section is repealed June 30, 2012.

2 17 Sec. 3. NEW SECTION. 473.46 FUEL=EFFICIENT MOTOR
2 18 VEHICLES TAX REFUND == CERTIFICATE.

2 19 1. A person who has purchased a new motor vehicle from a
2 20 new motor vehicle dealer in this state on or after July 1,
2 21 2007, may apply to the department for a use tax refund
2 22 certificate to be used to apply for a use tax refund pursuant
2 23 to section 423.6A. If approved by the department, the amount
2 24 of the use tax refund certificate shall equal ten dollars for
2 25 each mile per gallon that the motor vehicle's highway gasoline
2 26 mileage rating averaged, for city and highway driving as
2 27 estimated by the United States environmental protection
2 28 agency, above twenty=seven and one=half miles per gallon. A
2 29 use tax refund certificate shall not be issued for an amount
2 30 less than twenty=five dollars.

2 31 2. To apply, the person shall submit a completed
2 32 application to the department containing all of the following
2 33 information:

2 34 a. A copy of the motor vehicle dealer invoice for the
2 35 motor vehicle.



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Senate File 196 - Introduced continued

3 1 b. A copy of a valid Iowa vehicle registration for the
3 2 motor vehicle. The name appearing on the vehicle registration
3 3 shall be the same name as the name of the purchaser on the
3 4 dealer invoice.

3 5 c. Proof of the vehicle purchase, which may include but is
3 6 not limited to a copy of the front and back of a canceled
3 7 check, the finance agreement, or a dealer invoice indicating a
3 8 zero balance due and receipt of payment in full.

3 9 d. Any other information the department may require.

3 10 3. If upon receipt of the completed application the
3 11 department finds that the person is qualified for a use tax
3 12 refund pursuant to section 423.6A and this section, the
3 13 department shall calculate the amount of the use tax refund
3 14 for which the person is eligible and shall issue a use tax
3 15 refund certificate to the person or notify the person in
3 16 writing of its refusal to do so. A person whose application
3 17 is denied may file an appeal with the department within sixty
3 18 days from the date of denial pursuant to the provisions of
3 19 chapter 17A.

3 20 4. For the purposes of this section, "motor vehicle" means
3 21 the same as defined in section 321.1 but shall not include a
3 22 motorcycle, motorized bicycle, snowmobile, or all-terrain
3 23 vehicle.

3 24 5. Once a use tax refund certificate is issued pursuant to
3 25 this section, the person may apply to the department of
3 26 revenue for the use tax refund pursuant to section 423.6A.

3 27 EXPLANATION

3 28 This bill provides for a use tax refund for certain
3 29 fuel-efficient motor vehicles whose combined gasoline mileage
3 30 rating exceeds 27 and one-half miles per gallon. The amount
3 31 of the credit shall be either \$10 for each mile per gallon
3 32 above 27 and one-half or \$25, whichever is greater. The use
3 33 tax refund certification procedure shall be administered by
3 34 the department of natural resources. An amount equal to \$5
3 35 million per fiscal year for five fiscal years is appropriated



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Senate File 196 - Introduced continued

4 1 to the department of revenue to issue the use tax refunds.
4 2 LSB 1948SS 82
4 3 rn:rj/cf/24.1



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February 15, 2007

Senate File 197 - Introduced

SENATE FILE
BY HOGG

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the establishment of a math and science
- 2 education improvement grant program, and providing
- 3 appropriations.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2088XS 82
- 6 ak/je/5



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Senate File 197 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 256.36A MATH AND SCIENCE
1 2 EDUCATION IMPROVEMENT GRANT PROGRAM == APPROPRIATIONS.
1 3 1. a. The department shall establish a math and science
1 4 education improvement grant program to provide grants to area
1 5 education agencies, community colleges, and school districts
1 6 to provide regional or cooperative programs for the following
1 7 purposes:
1 8 (1) Teacher training and professional development.
1 9 (2) Supplemental math, science, engineering, and other
1 10 technology-oriented educational opportunities for students,
1 11 including opportunities for low-income, female, and minority
1 12 students.
1 13 (3) Internships and workplace learning opportunities.
1 14 (4) Expansion and alignment of curriculum.
1 15 b. Participation of Iowa businesses or business
1 16 organizations is required in order to receive grant funds.
1 17 c. Not more than two percent of the grant amount awarded
1 18 shall be spent for administrative costs.
1 19 d. The department, in consultation with business
1 20 organizations, shall award grants and require regular reports
1 21 from recipients regarding uses of grants and progress of
1 22 projects.
1 23 2. a. There is appropriated from the general fund of the
1 24 state to the department of education for the following budget
1 25 years the following amounts to be awarded as grants pursuant
1 26 to the program:
1 27 (1) Five hundred thousand dollars in the budget year
1 28 beginning July 1, 2007.
1 29 (2) One million dollars in the budget year beginning July
1 30 1, 2008.
1 31 (3) One million five hundred thousand dollars in the
1 32 budget year beginning July 1, 2009, and each subsequent budget
1 33 year through the budget year beginning July 1, 2016.
1 34 b. (1) Math and science education improvement grants
1 35 shall be awarded on an annual basis. However, grant awards



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Senate File 197 - Introduced continued

2 1 shall be limited based on previous grant amounts awarded in a
2 2 region, so that no more than five hundred thousand dollars in
2 3 grants is received in one region in any one year. For the
2 4 purposes of this section, "region" means an area education
2 5 agency region as determined by the boundaries in effect as of
2 6 January 1, 2007.

2 7 (2) A math and science education improvement grant may be
2 8 awarded for a project lasting up to three years.

2 9 EXPLANATION

2 10 This bill establishes a grant program in the department of
2 11 education to promote math and science education improvements.
2 12 The bill states that the grants will be allocated to area
2 13 education agencies, community colleges, and school districts
2 14 to provide regional and cooperative programs for these
2 15 purposes: teacher training and professional development;
2 16 supplemental math, science, engineering, and other
2 17 technology-oriented educational opportunities for students,
2 18 including low-income, female, and minority students;
2 19 internships and workplace learning opportunities; and
2 20 expansion and alignment of curriculum.

2 21 The bill requires that Iowa businesses or organizations be
2 22 involved with the programs being funded by the grants. The
2 23 bill also requires that not more than 2 percent of grant funds
2 24 be spent on administrative costs.

2 25 The bill requires that the department of education, in
2 26 consultation with business organizations, award the grants and
2 27 monitor the recipients, including requiring the recipients to
2 28 report on the uses of the grant funds and the progress of the
2 29 projects.

2 30 The bill sets out the amount of funds available for grants
2 31 from the budget year beginning July 1, 2007, through the
2 32 budget year beginning July 1, 2016. In the budget year
2 33 beginning July 1, 2007, \$500,000 is available in grant funds.
2 34 In the budget year beginning July 1, 2008, \$1 million is
2 35 available in grant funds. In the budget year beginning July



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Senate File 197 - Introduced continued

3 1 1, 2009, through the budget year beginning July 1, 2016,
3 2 \$1,500,000 is available in grant funds.
3 3 The bill specifies that grants shall be awarded annually.
3 4 However, a total of not more than \$500,000 in grant awards
3 5 shall be awarded to any one region in any one year. "Region"
3 6 means an area education agency region, as determined by
3 7 boundaries as of January 1, 2007. A grant may be awarded for
3 8 a project lasting up to three years.
3 9 LSB 2088XS 82
3 10 ak:nh/je/5.2



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Senate File 198 - Introduced

SENATE FILE

BY HATCH, DVORSKY, HOGG,
 CONNOLLY, KREIMAN, QUIRMBACH,
 WOOD, DEARDEN, APPEL, KIBBIE,
 and SCHOENJAHN

(COMPANION TO HF 57)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act to require a landlord to have good cause to terminate a
- 2 mobile home space rental agreement.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1679SS 82
- 5 av/cf/24



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Senate File 198 - Introduced continued

PAG LIN

1 1 Section 1. Section 562B.10, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. Rental agreements shall be for a term of one year
1 4 unless otherwise specified in the rental agreement. Rental
1 5 agreements shall be canceled by at least sixty days' written
1 6 notice given by either party. A notice to cancel under this
1 7 section initiated by the landlord shall be for good cause.
1 8 Good cause shall constitute a material noncompliance by the
1 9 tenant with the rental agreement, a violation of this chapter,
1 10 or a legitimate business reason. A landlord shall not cancel
1 11 a rental agreement solely for the purpose of making the
1 12 tenant's mobile home space available for another mobile home.

1 13 EXPLANATION

1 14 This bill provides that a landlord must have good cause
1 15 before terminating a mobile home space rental agreement.
1 16 "Good cause" is defined to mean a material noncompliance by
1 17 the tenant with the rental agreement, a violation of Code
1 18 chapter 562B, or a legitimate business reason.
1 19 LSB 1679SS 82
1 20 av:nh/cf/24



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Senate File 199 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1019)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act granting the civil rights commission additional subpoena
- 2 power to investigate unfair or discriminatory practices and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1220SV 82
- 6 ec/es/88



Iowa General Assembly
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Senate File 199 - Introduced continued

PAG LIN

1 1 Section 1. Section 216.5, subsection 13, Code 2007, is
1 2 amended to read as follows:
1 3 13. To issue subpoenas and order discovery as provided by
1 4 this section in aid of investigations and hearings of alleged
1 5 unfair or discriminatory ~~housing or real property~~ practices.
1 6 The subpoenas and discovery may be ordered to the same extent
1 7 and are subject to the same limitations as subpoenas and
1 8 discovery in a civil action in district court.

1 9 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 10 immediate importance, takes effect upon enactment.

1 11 EXPLANATION

1 12 This bill grants the civil rights commission the authority
1 13 to issue subpoenas and order discovery to aid in investigating
1 14 alleged unfair or discriminatory practices. Current law
1 15 grants the commission this subpoena authority only for
1 16 investigations of unfair or discriminatory housing or real
1 17 property practices. The bill takes effect upon enactment.

1 18 LSB 1220SV 82

1 19 ec:rj/es/88



Iowa General Assembly
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Senate Resolution 16 - Introduced

PAG LIN

1 1 SENATE RESOLUTION NO. ____
1 2 BY WIECK, BOETTGER, ZAUN, McKINLEY,
1 3 NOBLE, PUTNEY, GASKILL, BEHN, LUNDBY,
1 4 JOHNSON, McKIBBEN, ANGELO, HAHN,
1 5 KETTERING, ZIEMAN, SEYMOUR, HARTSUCH,
1 6 MULDER, WARD, and HOUSER
1 7 A Resolution designating May 1 as Iowa Right to Work Day.
1 8 WHEREAS, the federal Taft-Hartley Act of 1947
1 9 established the rights of states to enact
1 10 right-to-work laws for workers in their states and
1 11 freedom to choose to prohibit labor shop agreements
1 12 within their borders; and
1 13 WHEREAS, right-to-work laws guarantee that a person
1 14 cannot be compelled, as a condition of employment, to
1 15 join or not to join a labor union, or to pay dues to a
1 16 labor union; and
1 17 WHEREAS, Iowa's Fifty-second General Assembly
1 18 enshrined Iowa as a right-to-work state; and
1 19 WHEREAS, Iowa's right-to-work law became effective
1 20 on May 1, 1947, and has remained in full force and
1 21 effect since that day, giving Iowa workers freedom of
1 22 choice in the workplace; and
1 23 WHEREAS, for nearly 60 years, this freedom has
1 24 guaranteed the rights of Iowa workers, along with
1 25 their fellow workers in over 20 other states, the
1 26 power to support or refuse to support a union in their
1 27 workplace, according to their own personal beliefs;
1 28 and
1 29 WHEREAS, many studies have shown that states whose
1 30 workers benefit from the protections of the



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Senate Resolution 16 - Introduced continued

2 1 right-to-work law have higher growth and wage rates;
2 2 and
2 3 WHEREAS, economic professionals throughout the
2 4 world have concluded that right-to-work laws promote
2 5 economic development and growth of new and existing
2 6 businesses; NOW THEREFORE,
2 7 BE IT RESOLVED BY THE SENATE, That May 1 be
2 8 designated "Iowa Right to Work Day", and
2 9 BE IT FURTHER RESOLVED, That the Senate encourages
2 10 the workers of Iowa to recognize and celebrate the
2 11 importance of this day to ensure individual choice in
2 12 employment for all workers.
2 13 LSB 1608XS 82
2 14 ec:rj/es/88



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Senate Study Bill 1241

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
ADMINISTRATIVE SERVICES
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the department of administrative services and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1262DP 82
- 5 ec/je/5



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Senate Study Bill 1241 continued

PAG LIN

1 1 Section 1. Section 2.47A, subsection 1, paragraph c, Code
1 2 2007, is amended to read as follows:

1 3 c. Receive annual status reports for all ongoing capital
1 4 projects of state agencies, ~~pursuant to section 8A.321,~~
~~1 5 subsection 11.~~

1 6 Sec. 2. Section 7A.3, subsection 1, Code 2007, is amended
1 7 by striking the subsection.

1 8 Sec. 3. Section 8A.122, subsection 1, Code 2007, is
1 9 amended to read as follows:

1 10 1. The director shall enter into agreements with state
1 11 agencies, and may enter into agreements with any other
1 12 governmental entity or a nonprofit organization, to furnish
1 13 services and facilities of the department to the applicable
1 14 governmental entity or nonprofit organization. The agreement
1 15 shall provide for the reimbursement to the department of the
1 16 reasonable cost of the services and facilities furnished. All
1 17 governmental entities of this state may enter into such
1 18 agreements. For purposes of this subsection, "nonprofit
1 19 organization" means a corporation organized under chapter 504
1 20 to do business or conduct affairs in this state.

1 21 Sec. 4. Section 8A.204, subsection 2, paragraph c, Code
1 22 2007, is amended by striking the paragraph.

1 23 Sec. 5. Section 8A.204, subsection 2, paragraph d, Code
1 24 2007, is amended to read as follows:

1 25 d. The technology governance board annually shall elect a
1 26 chair and a vice chair from among the members of the board, by
1 27 majority vote, to serve ~~a~~ one-year ~~term~~ terms.

1 28 Sec. 6. Section 8A.321, subsection 12, Code 2007, is
1 29 amended by striking the subsection.

1 30 Sec. 7. Section 8A.362, subsection 4, paragraph c, Code
1 31 2007, is amended to read as follows:

1 32 c. Not later than ~~February~~ June 15 of each year, the
1 33 director shall report compliance with the corporate average
1 34 fuel economy standards published by the United States
1 35 secretary of transportation for new motor vehicles, other than



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Senate Study Bill 1241 continued

2 1 motor vehicles purchased by the state department of
2 2 transportation, institutions under the control of the state
2 3 board of regents, the department for the blind, and any other
2 4 state agency exempted from the requirements of this
2 5 subsection. The report of compliance shall classify the
2 6 vehicles purchased for the current vehicle model year using
2 7 the following categories: passenger automobiles, enforcement
2 8 automobiles, vans, and light trucks. The director shall
2 9 deliver a copy of the report to the department of natural
2 10 resources. As used in this paragraph, "corporate average fuel
2 11 economy" means the corporate average fuel economy as defined
2 12 in 49 C.F.R. } 533.5.

2 13 Sec. 8. Section 8A.454, subsection 4, Code 2007, is
2 14 amended by striking the subsection.

2 15 Sec. 9. Section 18A.1, Code 2007, is transferred to
2 16 section 8A.371.

2 17 Sec. 10. Section 18A.2, Code 2007, is transferred to
2 18 section 8A.372.

2 19 Sec. 11. Section 18A.3, Code 2007, is transferred to
2 20 section 8A.373.

2 21 Sec. 12. Section 18A.4, Code 2007, is transferred to
2 22 section 8A.374.

2 23 Sec. 13. Section 18A.5, Code 2007, is transferred to
2 24 section 8A.375.

2 25 Sec. 14. Section 18A.6, Code 2007, is transferred to
2 26 section 8A.376.

2 27 Sec. 15. Section 18A.7, Code 2007, is transferred to
2 28 section 8A.377.

2 29 Sec. 16. 2003 Iowa Acts, chapter 177, section 22,
2 30 subsection 13, is amended to read as follows:

2 31 13. REVERSION. Notwithstanding section 8.33, moneys
2 32 appropriated in this section shall not revert at the close of
2 33 the fiscal year for which they were appropriated but shall
2 34 remain available for the purposes designated until ~~the close~~
~~2 35 of the fiscal year that begins July 1, 2006~~ October 25, 2007,



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Senate Study Bill 1241 continued

3 1 or until the project for which the appropriation was made is
3 2 completed, whichever is earlier.

3 3 Sec. 17. 2004 Iowa Acts, chapter 1175, section 304,
3 4 subsection 3, is amended to read as follows:

3 5 3. REVERSION. Notwithstanding section 8.33, moneys
3 6 appropriated in this section shall not revert at the close of
3 7 the fiscal year for which they were appropriated but shall

3 8 remain available for the purposes designated until ~~the close~~
~~3 9 of the fiscal year that begins July 1, 2006~~ October 25, 2007,

3 10 or until the project for which the appropriation was made is
3 11 completed, whichever is earlier.

3 12 Sec. 18. Section 18A.11, Code 2007, is repealed.

3 13 Sec. 19. EFFECTIVE DATE. The sections of this Act
3 14 amending section 8A.454, 2003 Iowa Acts, chapter 177, and 2004
3 15 Iowa Acts, chapter 1175, being deemed of immediate importance,
3 16 take effect upon enactment.

3 17 EXPLANATION

3 18 This bill concerns the department of administrative
3 19 services.

3 20 Code section 7A.3 is amended to eliminate the requirement
3 21 that the department file a biennial report on the fiscal
3 22 condition of the state.

3 23 Code section 8A.122 is amended to provide that the
3 24 department can enter into agreements with nonprofit
3 25 organizations to furnish services to such organizations.

3 26 Code section 8A.204 is amended to eliminate the requirement
3 27 that the director of the department serve as permanent chair
3 28 of the technology governance board. Instead, the bill
3 29 provides that the board has the authority to elect the chair
3 30 of the board to one-year terms.

3 31 Code section 8A.321 is amended to eliminate the requirement
3 32 that the director of the department call upon state agencies
3 33 to submit status reports for all ongoing capital projects of
3 34 the agencies.

3 35 Code section 8A.362 is amended to extend the date the



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Senate Study Bill 1241 continued

4 1 department is required to submit a report of compliance with
4 2 federal corporate fuel economy standards from February 15 to
4 3 June 15 of each year.
4 4 Code section 8A.454, establishing the Iowa state health
4 5 insurance administration fund and the monthly per contract
4 6 administrative fee charged to cover the costs of administering
4 7 the state's health insurance program, is amended to eliminate
4 8 the July 1, 2007, repeal of the section. This provision takes
4 9 effect upon enactment.
4 10 The bill also moves Code sections 18A.1 through 18A.7,
4 11 concerning capitol planning, to Code chapter 8A and strikes
4 12 the section creating the friends of capitol hill corporation.
4 13 The bill also amends the provisions governing the date
4 14 certain appropriations made and not expended from tobacco
4 15 settlement trust funds in 2003 and 2004 shall revert to that
4 16 fund from the close of the fiscal year that begins July 1,
4 17 2006, to October 25, 2007. The provisions of this bill that
4 18 amend these provisions take effect upon enactment.
4 19 LSB 1262DP 82
4 20 ec:rj/je/5.1



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Senate Study Bill 1242

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 requiring combined corporate tax returns for unitary
2 businesses and including a retroactive applicability date
3 provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2175XL 82
6 mg/es/88



**Iowa General Assembly
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Senate Study Bill 1242 continued

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1 1 Section 1. Section 422.37, Code 2007, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 422.37 COMBINED RETURNS.
1 5 An affiliated group of corporations shall, under rules
1 6 prescribed by the director, file a combined return showing the
1 7 net income of all corporations engaged in a unitary business,
1 8 subject to the following:
1 9 1. The affiliated group filing under this section shall
1 10 meet the requirements to file a consolidated return for
1 11 federal income tax purposes under the Internal Revenue Code
1 12 for the same taxable year.
1 13 2. All members of the affiliated group shall join in the
1 14 filing of an Iowa combined return to the extent they are
1 15 engaged in a unitary business.
1 16 3. Members of the affiliated group exempt from taxation by
1 17 section 422.34 shall not be included in a combined return.
1 18 4. All members of the affiliated group shall use the
1 19 statutory method of allocation and apportionment unless the
1 20 director has granted permission to all members to use an
1 21 alternative method of allocation and apportionment.
1 22 5. The computation of federal taxable income before the
1 23 net operating loss deduction on a combined return for members
1 24 of an affiliated group shall be made in the same manner and
1 25 under the same procedures, including all intercompany
1 26 adjustments and eliminations, as are required for
1 27 consolidating the incomes of affiliated corporations for the
1 28 taxable year for federal income tax purposes in accordance
1 29 with the Internal Revenue Code.
1 30 6. The combined income approach reflects the federal
1 31 taxable income of the unitary members of the Iowa affiliated
1 32 group as a single economic unit, with the application of the
1 33 adjustments in section 422.35, and the affiliated group shall
1 34 only file one income tax return. Any nonunitary members of
1 35 the federal affiliated group subject to tax imposed by section



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2 1 422.33 must each file its own separate corporate income tax
2 2 return. The net income of an affiliated group is determined
2 3 by applying the apportionment formula against the combined
2 4 income of the affiliated group.

2 5 7. Only the sales of those corporations in the affiliated
2 6 group subject to the tax imposed by section 422.33 are
2 7 included in the numerator of the apportionment formula.

2 8 8. Only those corporations in the affiliated group subject
2 9 to the tax imposed by section 422.33 are jointly and severally
2 10 liable for the Iowa tax of the combined group.

2 11 Sec. 2. RETROACTIVE APPLICABILITY PROVISION. This Act is
2 12 retroactively applicable to January 1, 2007, for tax years
2 13 beginning on or after that date.

2 14 EXPLANATION

2 15 This bill requires that the net income of affiliated groups
2 16 of corporations engaged in a unitary business be computed on a
2 17 combined return basis for corporate tax purposes if the group
2 18 meets the requirements for filing a consolidated return for
2 19 federal tax purposes. The affiliated group would include
2 20 corporations with common ownership whereby one or more
2 21 corporations own 80 percent or more of another corporation.
2 22 The bill would require that one Iowa corporate income tax
2 23 return be filed that would include all unitary members of an
2 24 affiliated group. Any nonunitary member that is subject to
2 25 Iowa tax would file its own separate corporate return. Only
2 26 Iowa sales of those corporations doing business in Iowa would
2 27 be included in the numerator of the Iowa sales ratio. The
2 28 bill also provides that only those corporations doing business
2 29 in Iowa are jointly and severally liable for the tax of the
2 30 combined return.

2 31 The bill applies retroactively to January 1, 2007, for tax
2 32 years beginning on or after that date.

2 33 LSB 2175XL 82

2 34 mg:rj/es/88



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Senate Study Bill 1243

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 hybrid and alternative fuel motor vehicles by
2 replacing the current deduction with an individual income tax
3 credit, and including effective and retroactive applicability
4 date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2172XL 82
7 mg/gg/14



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1 1 Section 1. Section 422.7, subsection 45, Code 2007, is
1 2 amended by striking the subsection.

1 3 Sec. 2. NEW SECTION. 422.11T HYBRID AND ALTERNATIVE FUEL
1 4 MOTOR VEHICLE TAX CREDIT.

1 5 1. The taxes imposed under this division, less the credits
1 6 allowed under sections 422.12 and 422.12B, shall be reduced by
1 7 a hybrid and alternative fuel motor vehicle tax credit. To
1 8 qualify for this tax credit, an individual must purchase a new
1 9 qualified hybrid motor vehicle or a new qualified alternative
1 10 fuel motor vehicle for which the individual claimed the
1 11 alternative motor vehicle credit under section 30B(d) or
1 12 30B(e) of the Internal Revenue Code. The amount of the tax
1 13 credit is equal to twenty percent of the federal credit
1 14 computed under section 30B(d) or 30B(e) of the Internal
1 15 Revenue Code.

1 16 2. Any credit in excess of the tax liability is not
1 17 refundable, but the excess for the tax year may be credited to
1 18 the tax liability for the following five years or until
1 19 depleted, whichever is the earlier.

1 20 Sec. 3. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
1 21 This Act, being deemed of immediate importance, takes effect
1 22 upon enactment and applies retroactively to January 1, 2007,
1 23 for tax years beginning on or after that date.

1 24 EXPLANATION

1 25 This bill provides for an individual income tax credit for
1 26 the purchase of qualified hybrid and qualified alternative
1 27 fuel motor vehicles. The credit replaces the current
1 28 deduction of \$2,000 for the purchase of these vehicles. The
1 29 credit is equal to twenty percent of the federal alternative
1 30 motor vehicle credit available for the purchase of hybrid and
1 31 alternative fuel motor vehicles under sections 30B(d) and
1 32 30B(e) of the Internal Revenue Code. Any credit in excess of
1 33 the tax liability is nonrefundable but may be credited to the
1 34 tax liability for the following five years or until depleted,
1 35 whichever is the earlier.



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2 1 The bill takes effect upon enactment and applies
2 2 retroactively to January 1, 2007, for tax years beginning on
2 3 or after that date.
2 4 LSB 2172XL 82
2 5 mg:sc/gg/14



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Senate Study Bill 1244

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 the development, management, and efficient use
- 2 of energy resources in the state.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1410XD 82
- 5 tm/je/5



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1 1 Section 1. Section 455E.11, subsection 2, paragraph e,
1 2 Code 2007, is amended to read as follows:

1 3 e. An oil overcharge account. The oil overcharge moneys
1 4 distributed by the United States department of energy, and
1 5 approved for the energy related components of the groundwater
1 6 protection strategy available through the energy conservation
1 7 ~~trust fund~~ fund created in section 473.11, shall be deposited in
1 8 the oil overcharge account as appropriated by the general
1 9 assembly.

1 10 Sec. 2. Section 473.1, Code 2007, is amended by adding the
1 11 following new subsections:

1 12 NEW SUBSECTION. 4A. "Renewable energy" means solar power,
1 13 photovoltaic power, wind power, geothermal power, hydropower
1 14 less than twenty-five megawatts in nameplate capacity,
1 15 landfill gas, biomass fuel, fuel cell powered by a renewable
1 16 energy resource, or conversion of municipal, industrial, or
1 17 agricultural organic wastes into methane or liquid fuel.

1 18 NEW SUBSECTION. 4B. "Renewable fuel" means an energy
1 19 source at least in part derived from a nonfossil-based organic
1 20 compound capable of powering machinery, including an engine or
1 21 power plant.

1 22 Sec. 3. Section 473.1, subsection 5, Code 2007, is amended
1 23 to read as follows:

1 24 5. "Supplier" means any person engaged in the business of
1 25 selling, importing, storing, or generating energy sources,
1 26 renewable energy, or renewable fuel in Iowa.

1 27 Sec. 4. Section 473.2, subsection 1, paragraph a, Code
1 28 2007, is amended to read as follows:

1 29 a. Physical, human, natural, and financial resources are
1 30 allocated efficiently.

1 31 Sec. 5. Section 473.3, Code 2007, is amended to read as
1 32 follows:

1 33 473.3 ENERGY EFFICIENCY RESOURCE MANAGEMENT GOAL.

1 34 1. The goal of this state is to ~~more~~ efficiently utilize
1 35 energy resources, ~~especially those that are nonrenewable or~~



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~~2 1 that have negative environmental impacts, in order to enhance~~
2 2 the economy of the state and to decrease by decreasing the
2 3 state's dependence on nonrenewable energy resources from
2 4 outside the state and by reducing the amount of energy used.
2 5 This goal is to be implemented through the execution of a
2 6 statewide energy plan that shall include the development of
2 7 policies and programs that promote energy efficiency and
2 8 ~~energy conservation~~ renewable energy use by all Iowans,
2 9 through the development and enhancement of an energy
2 10 efficiency and renewable energy industry, through the
2 11 ~~development of indigenous~~ commercialization of energy
2 12 resources and technologies that are economically and
2 13 environmentally viable, and through the development and
2 14 implementation of effective public information and education
2 15 programs.
2 16 2. State government shall be a model and testing ground
2 17 for the use of energy efficiency and renewable energy systems.
2 18 Sec. 6. Section 473.7, subsections 1, 4, 11, 12, and 14,
2 19 Code 2007, are amended to read as follows:
2 20 1. a. Deliver to the general assembly by ~~January 15, 1990~~
2 21 June 1, 2008, a plan for the development, management, and
2 22 efficient utilization of all energy resources in the state.
2 23 The plan shall evaluate existing energy utilization with
2 24 regard to energy efficiency and renewable energy and shall
2 25 evaluate the future energy needs of and opportunities for the
2 26 state. The plan shall include but is not limited to the
2 27 following elements:
2 28 a. (1) The historical use and distribution of energy in
2 29 Iowa.
2 30 b. (2) The growth rate of energy consumption in Iowa.
2 31 c. (3) A projection of Iowa's energy and energy
2 32 infrastructure needs at a minimum of ten years into the
2 33 future.
2 34 d. (4) The impact of meeting Iowa's energy needs on the
2 35 economy of the state, including the impact of energy



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3 1 efficiency and renewable energy on employment and economic
3 2 development.
3 3 ~~e. (5) The impact of meeting Iowa's energy needs on the~~
3 4 ~~environment of the state, including the impact of activities~~
3 5 ~~related to energy production and use which contribute to~~
3 6 ~~climate change.~~
3 7 ~~f. (6) An evaluation of alternative sources and uses of~~
3 8 ~~energy.~~
3 9 ~~g. Legislative recommendations that may be necessary as a~~
3 10 ~~basis for a state policy for the development and efficient~~
3 11 ~~utilization of energy resources.~~
3 12 ~~h. (7) An evaluation of the ability of existing laws and~~
3 13 ~~regulations surrounding the utilization of energy resources.~~
3 14 (8) Legislative recommendations and a strategy to manage
3 15 energy more efficiently and increase the use and generation of
3 16 renewable energy in such a way that enhances the economy of
3 17 the state while also reducing adverse impacts on the
3 18 environment.
3 19 b. The department shall develop the plan in cooperation
3 20 with the governor's energy coordinating council and with the
3 21 assistance of, and in consultation with, representatives of
3 22 the energy industry, economic interests, the public, and other
3 23 interested parties. The department shall submit a report to
3 24 the general assembly concerning the status and implementation
3 25 of the plan on a biennial basis. The biennial update shall
3 26 contain an evaluation of all state energy programs including
3 27 expected versus actual benefits of such programs,
3 28 recommendations for changes or improvements to the state
3 29 energy programs and policies, and forecasts of future energy
3 30 demand and supply in Iowa.
3 31 ~~4. a. Establish a central depository within the state for~~
3 32 ~~energy data. The central depository shall be located at or~~
3 33 ~~accessible through a library which is a member of an~~
3 34 ~~interlibrary loan program to facilitate access to the data and~~
3 35 ~~information contained in the central depository. The~~



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4 1 department shall collect and analyze data ~~necessary to~~
4 2 ~~forecast to use in forecasting~~ future energy demands in demand
4 3 and supply for the state. ~~The department may require a A~~
4 4 supplier is required to provide information pertaining to the
4 5 supply, storage, distribution, and sale of energy sources in
4 6 this state when requested by the department. The information
4 7 ~~shall be furnished on a periodic basis,~~ shall be of a nature
4 8 which directly relates to the supply, storage, distribution,
4 9 and sale of energy sources, and shall not include any records,
4 10 documents, books, or other data which relate to the financial
4 11 position of the supplier. ~~Provided the~~ The department, prior
4 12 to requiring any supplier to furnish it with such information,
4 13 shall make every reasonable effort to determine if ~~the same~~
4 14 such information is available from any other governmental
4 15 source. If it finds such information is available, the
4 16 department shall not require submission of the ~~same~~
4 17 information from a supplier. Notwithstanding the provisions
4 18 of chapter 22, information and reports obtained under this
4 19 section shall be confidential except when used for statistical
4 20 purposes without identifying a specific supplier and when
4 21 release of the information will not give an advantage to
4 22 competitors and serves a public purpose. The department shall
4 23 use this data to conduct energy forecasts which shall be
4 24 included in the biennial update required by this section and
4 25 which shall also be made available through the department's
4 26 internet website.

4 27 b. The department may subpoena witnesses, administer
4 28 oaths, and require the production of records, books, and
4 29 documents for examination in order to obtain information
4 30 required to be submitted under this section. In case of
4 31 failure or refusal on the part of any person to comply with a
4 32 subpoena issued by the department, or in case of the refusal
4 33 of any witness to testify as to any matter regarding which the
4 34 witness may be interrogated under this chapter, the district
4 35 court, upon the application of the department, may order the



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5 1 person to show cause why the person should not be held in
5 2 contempt for failure to testify or comply with a subpoena, and
5 3 may order the person to produce the records, books, and
5 4 documents for examination, and to give testimony. The courts
5 5 may punish for contempt as in the case of disobedience to a
5 6 like subpoena issued by the court, or for refusal to testify.
5 7 11. Develop a program to annually give public recognition
5 8 to innovative methods of energy ~~conservation~~ management and
5 9 renewable energy production.

5 10 12. Administer and coordinate federal funds for energy
5 11 conservation management and renewable energy programs
5 12 including, but not limited to, the institutional conservation
~~5 13 program, state energy conservation program, and energy~~
~~5 14 extension service program, and related programs which provide~~
~~5 15 energy management and conservation assistance to schools,~~
~~5 16 hospitals, health care facilities, communities, and the~~
~~5 17 general public.~~

5 18 14. ~~Perform~~ Provide information from monthly fuel surveys
5 19 which establish a statistical average of motor fuel prices for
5 20 various motor fuels provided throughout the state.
5 21 Additionally, the department shall ~~perform~~ provide monthly
5 22 fuel ~~surveys~~ survey information in cities with populations of
5 23 over fifty thousand which establish a statistical average of
5 24 motor fuel prices for various motor fuels provided in those
5 25 individual cities. The survey results shall be publicized in
5 26 a monthly press release issued by the department.

5 27 Sec. 7. Section 473.7, subsections 2, 3, and 15, Code
5 28 2007, are amended by striking the subsections.

5 29 Sec. 8. Section 473.11, Code 2007, is amended to read as
5 30 follows:

5 31 473.11 ENERGY CONSERVATION ~~TRUST~~ FUND ESTABLISHED ==
5 32 RECEIPTS AND DISBURSEMENTS.

5 33 ~~1.~~ a. The energy conservation ~~trust fund~~ is created
5 34 within the ~~state treasury~~ department. This state, on behalf
5 35 of itself, its citizens, and its political subdivisions,



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6 1 accepts any moneys awarded or allocated to the state, its
6 2 citizens, and its political subdivisions as a result of the
6 3 federal court decisions and United States department of energy
6 4 settlements resulting from alleged violations of federal
6 5 petroleum pricing regulations and deposits the moneys in the
6 6 energy conservation ~~trust~~ fund.

~~6 7 b. The energy conservation trust is established to provide
6 8 for an orderly, efficient, and effective mechanism to make
6 9 maximum use of moneys available to the state, in order to
6 10 increase energy conservation efforts and thereby to save the
6 11 citizens of this state energy expenditures. The moneys in the
6 12 funds in the trust shall be expended only upon appropriation
6 13 by the general assembly and only for programs which will
6 14 benefit citizens who may have suffered economic penalties
6 15 resulting from the alleged petroleum overcharges.~~

~~6 16 e. The moneys awarded or allocated from each court
6 17 decision or settlement shall be placed in a separate fund in
6 18 the energy conservation trust. Notwithstanding section 12C.7,
6 19 interest and earnings on investments from moneys in the trust
6 20 shall be credited proportionately to the funds in the trust.~~

~~6 21 d. Unless prohibited by the conditions applying to a
6 22 settlement, the petroleum overcharge moneys in the energy
6 23 conservation trust may be used for the payment of attorney
6 24 fees and expenses incurred by the state to obtain the moneys
6 25 and shall be paid by the director of the department of
6 26 administrative services from the available moneys in the trust
6 27 subject to the approval of the attorney general.~~

~~6 28 e. However, petroleum overcharge moneys received pursuant
6 29 to claims filed on behalf of the state, its institutions,
6 30 departments, agencies, or political subdivisions shall be
6 31 deposited in the general fund of the state to be disbursed
6 32 directly to the appropriate claimants in accordance with
6 33 federal guidelines and subject to the approval of the attorney
6 34 general.~~

6 35 f. ~~The moneys deposited under section 473.16 in the~~



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~~7 1 general fund of the state shall be used for research and
7 2 development of selected projects to improve Iowa's energy
7 3 independence by developing improved methods of energy
7 4 efficiency, or by increased development and use of Iowa's
7 5 renewable nonresource-depleting energy resources. The moneys
7 6 credited to the general fund of the state under section
7 7 556.18, subsection 3, shall be used for energy conservation
7 8 and alternative energy resource projects. The projects shall
7 9 be selected by the director and administered by the
7 10 department. Selection criteria for funded projects shall
7 11 include consideration of indirect restitution to those persons
7 12 in the state in the utility customer classes and the utility
7 13 service territories affected by unclaimed utility refunds or
7 14 deposits.~~

~~7 15 Moneys deposited into the general fund of the state under
7 16 sections 473.16, 476.51, and 556.18, subsection 3, are subject
7 17 to the requirements of section 8.60.~~

~~7 18 2. The treasurer of state shall be the custodian of the
7 19 energy conservation trust and shall invest the moneys in the
7 20 trust, in consultation with the energy fund disbursement
7 21 council established in subsection 3 and the investment board
7 22 of the Iowa public employees' retirement system, in accordance
7 23 with the following guidelines:~~

~~7 24 a. To maximize the rate of return on moneys in the trust
7 25 while providing sufficient liquidity to make fund
7 26 disbursements, including contingency disbursements.~~

~~7 27 b. To absolutely insure the trust against loss.~~

~~7 28 c. To use such investment tools as are necessary to
7 29 achieve these purposes.~~

~~7 30 3. An energy fund disbursement council is established.
7 31 The council shall be composed of the governor or the
7 32 governor's designee, the director of the department of
7 33 management, who shall serve as the council's chairperson, the
7 34 administrator of the division of community action agencies of
7 35 the department of human rights, a designee of the director of~~



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~~8 1 the department of natural resources who is knowledgeable in
8 2 the field of energy conservation, and a designee of the
8 3 director of transportation who is knowledgeable in the field
8 4 of energy conservation. The council shall include as
8 5 nonvoting members two members of the senate appointed by the
8 6 president of the senate, after consultation with the majority
8 7 leader and the minority leader of the senate, and two members
8 8 of the house of representatives appointed by the speaker of
8 9 the house, after consultation with the majority leader and the
8 10 minority leader of the house. The legislative members shall
8 11 be appointed upon the convening and for the period of each
8 12 general assembly. Not more than one member from each house
8 13 shall be of the same political party. The council shall be
8 14 staffed by the department of natural resources. The attorney
8 15 general shall provide legal assistance to the council.~~

~~8 16 The council shall do all of the following:~~

~~8 17 a. Oversee the investment of moneys deposited in the
8 18 energy conservation trust.~~

~~8 19 b. Make recommendations to the governor and the general
8 20 assembly regarding annual appropriations from the energy
8 21 conservation trust.~~

~~8 22 c. Work with the department of natural resources in
8 23 adopting administrative rules necessary to administer
8 24 expenditures from the trust, encourage applications for grants
8 25 and loans, review and select proposals for the funding of
8 26 competitive grants and loans from the energy conservation
8 27 trust, and evaluate their comparative effectiveness.~~

~~8 28 d. Monitor expenditures from the trust.~~

~~8 29 e. Approve any grants or contracts awarded from the energy
8 30 conservation trust in excess of five thousand dollars.~~

~~8 31 f. Prepare, in conjunction with the department of natural
8 32 resources, an annual report to the governor and the general
8 33 assembly regarding earnings of and expenditures from the
8 34 energy conservation trust.~~

~~8 35 4. The director of the department of natural resources or
9 1 the director's designee shall be the administrator of the
9 2 energy conservation trust. The administrator shall disburse
9 3 moneys appropriated by the general assembly from the funds in
9 4 the trust in accordance with the federal court orders, law and
9 5 regulation, or settlement conditions applying to the moneys in
9 6 that fund, and subject to the approval of the energy fund
9 7 disbursement council if such approval is required. The
9 8 council, after consultation with the attorney general, shall
9 9 immediately approve the disbursement of moneys from the funds
9 10 in the trust for projects which meet the federal court orders,
9 11 law and regulations, or settlement conditions which apply to
9 12 that fund.~~

~~9 13 5. The following funds are established in the energy
9 14 conservation trust:~~

~~9 15 a. The Warner/Imperial fund.~~

~~9 16 b. The Exxon fund.~~

~~9 17 c. The Stripper Well fund.~~

~~9 18 d. The Diamond Shamrock fund.~~

~~9 19 e. The office of hearings and appeals second-stage
9 20 settlement fund.~~

~~9 21 6. The moneys in the fund in the energy conservation trust~~



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~~9 22 distributed to the state as a result of the federal court
9 23 decisions finding oil companies in violation of federal
9 24 petroleum pricing regulations shall be expended expeditiously,
9 25 until all the receipts are depleted and shall be disbursed for
9 26 projects which meet the strict guidelines of the five existing
9 27 federal energy conservation programs specified in Pub. L. No.
9 28 97-377, } 155, 96 Stat. 1830, 1919 (1982). The council shall
9 29 approve the disbursement of moneys from the fund in the trust
9 30 for other projects only if the projects meet one or more of
9 31 the following conditions:~~

~~9 32 a. The projects meet the guidelines for allowable projects
9 33 under a modification order entered by the federal court in the
9 34 case involving Exxon corporation.~~

~~9 35 b. The projects meet the guidelines for allowable projects~~



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~~10 1 under a directive order entered by the federal court in the~~
~~10 2 case involving Exxon corporation.~~
~~10 3 c. The projects meet the guidelines for allowable projects~~
~~10 4 under the regulations adopted or written clarifications issued~~
~~10 5 by the United States department of energy.~~
~~10 6 d. The projects meet the guidelines for allowable projects~~
~~10 7 under the petroleum violation settlement agreement expenditure~~
~~10 8 plan approved by the United States department of energy.~~
~~10 9 7. On June 30, 2003, the energy fund disbursement council~~
~~10 10 established in subsection 3 shall be dissolved. At that time,~~
~~10 11 the The department of natural resources shall be responsible~~
10 12 for the disbursement of any funds either received or remaining
10 13 in the energy conservation ~~trust~~ fund. These disbursements
10 14 shall be for projects and programs consistent with the legally
10 15 determined allowable uses for the former energy conservation
10 16 trust, section 473.11, Code 2005. ~~Also, at that time, and~~
~~10 17 annually thereafter, the The state department of~~
10 18 transportation shall report to the department of natural
10 19 resources on the status of the intermodal revolving loan fund
10 20 established in the department on an annual basis. In the
10 21 fiscal year beginning July 1, 2019, the department of natural
10 22 resources shall assume responsibility for funds remaining in
10 23 the intermodal revolving loan fund and disburse them for
10 24 energy ~~conservation projects and~~ programs consistent with the
10 25 legally determined allowable uses for the former energy
10 26 conservation trust.
10 27 Sec. 9. Section 473.13A, Code 2007, is amended to read as
10 28 follows:
10 29 473.13A ENERGY CONSERVATION MEASURES MANAGEMENT AND
10 30 RENEWABLE ENERGY OPPORTUNITIES IDENTIFIED AND IMPLEMENTED.
10 31 1. The state, All state agencies, political subdivisions
10 32 of the state, school districts, area education agencies, and
10 33 community colleges shall identify and implement, ~~through~~
~~10 34 energy audits and engineering analyses,~~ all energy
10 35 ~~conservation measures~~ management improvements identified for



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11 1 which financing is made available by the department to the
11 2 entity. Identification of energy management improvements
11 3 shall be made through energy analyses as defined by the
11 4 department. The energy ~~conservation measure financings~~
11 5 management improvement financing shall be supported through
11 6 payments from energy savings and shall be for a term defined
11 7 by the department in rule.

11 8 2. Except for a garage, storage facility, or brine
11 9 production facility, a building owned or occupied by a state
11 10 agency shall be analyzed by the state agency for energy
11 11 management improvement opportunities based on the guidelines
11 12 established pursuant to section 473.19. The results of the
11 13 analysis shall be submitted to the department by August 1,
11 14 2009. An updated analysis shall be submitted to the
11 15 department every four years thereafter. Additionally, all new
11 16 construction or renovation of existing facilities for state
11 17 agency use shall meet or exceed the requirements for the
11 18 United States green building council leadership in energy and
11 19 environmental design silver certification. The department
11 20 shall submit a report to the governor and general assembly by
11 21 January 1, 2009, and every three years thereafter, that
11 22 analyzes all information collected pursuant to this subsection
11 23 and includes recommendations for future programs. For
11 24 purposes of this subsection, "renovation" means any change to
11 25 a facility with costs equal to more than fifty percent of the
11 26 value of the facility or an addition to the facility in excess
11 27 of twenty thousand square feet.

11 28 3. The department shall not require a state agency, school
11 29 district, community college, area education agency, city, or
11 30 county to perform an ~~engineering~~ energy analysis if the school
11 31 district, community college, area education agency, city, or
11 32 county demonstrates to the department that the facility which
11 33 is the subject of the proposed ~~engineering~~ energy analysis at
11 34 issue is unlikely to be in use or operation in six years by
11 35 the governmental entity currently using or occupying the



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12 1 facility.

12 2 Sec. 10. Section 473.15, Code 2007, is amended to read as
12 3 follows:

12 4 473.15 ANNUAL REPORT.

12 5 The department shall ~~include in the~~ complete an annual
12 6 report required under section 455A.4 an assessment of to
12 7 assess the progress achieved by public agencies of state
12 8 agencies, political subdivisions of the state, school
12 9 districts, area education agencies, and community colleges in
12 10 implementing energy management improvements, renewable energy
12 11 systems, and life cycle cost analyses under chapter 470, and
12 12 on the use of renewable fuels. The department shall also
12 13 provide an assessment of the economic and environmental impact
12 14 of the progress made by state agencies, political subdivisions
12 15 of the state, school districts, area education agencies, and
12 16 community colleges related to energy management and renewable
12 17 energy, along with a forecast of future opportunities and
12 18 policies necessary for continued improvement in these areas.

12 19 Sec. 11. Section 473.19, Code 2007, is amended to read as
12 20 follows:

12 21 473.19 ENERGY BANK PROGRAM.

12 22 1. The energy bank program is established by the
12 23 department. The energy bank program consists of the following
12 24 forms of assistance for the state, state agencies, political
12 25 subdivisions of the state, school districts, area education
12 26 agencies, and community colleges, and nonprofit organizations:

12 27 ~~1-~~ a. Promoting program availability.

12 28 b. Developing guidelines and model energy techniques for
12 29 the completion of energy analyses for state agencies,
12 30 political subdivisions of the state, school districts, area
12 31 education agencies, community colleges, and nonprofit
12 32 organizations.

12 33 c. Providing moneys from the petroleum overcharge fund
12 34 technical assistance for conducting energy audits analyses for
12 35 school districts under section 279.44, for conducting



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~~13 1 comprehensive engineering analyses for school districts and
13 2 for conducting energy audits and comprehensive engineering
13 3 analyses for state agencies, and political subdivisions of the
13 4 state agencies, political subdivisions of the state, school
13 5 districts, area education agencies, community colleges, and
13 6 nonprofit organizations.~~

13 7 2. d. Providing Facilitating loans, leases, and other
13 8 methods of alternative financing ~~from~~ under the energy loan
13 9 ~~fund~~ program established in section 473.20 and section 473.20A
13 10 for the state, state agencies, political subdivisions of the
13 11 state, school districts, area education agencies, community
13 12 colleges, and nonprofit organizations to implement energy
13 13 ~~conservation measures~~ management improvements.

13 14 ~~3. Serving as a source of technical support for energy
13 15 conservation management.~~

13 16 ~~4. e. Providing~~ assistance for obtaining insurance on the
13 17 energy savings expected to be realized from the implementation
13 18 of energy ~~conservation measures~~ management improvements.

13 19 ~~5. f. Providing Facilitating~~ self-liquidating financing
13 20 for the state, state agencies, political subdivisions of the
13 21 state, school districts, area education agencies, community
13 22 colleges, and nonprofit organizations pursuant to section
13 23 473.20A.

13 24 2. The department may assess fees for the services
13 25 provided through the energy bank program. Any fee assessed
13 26 pursuant to this section shall be retained by the department
13 27 for purposes of providing assistance required under this
13 28 section. By January 15, 2008, the department shall adopt
13 29 rules pursuant to chapter 17A necessary for administering this
13 30 section, including the assessment of fees.

13 31 3. For the purpose of this section, section 473.20, and
13 32 section 473.20A, "energy ~~conservation measure~~ management
13 33 improvement" means construction, rehabilitation, acquisition,
13 34 or modification of an installation in a facility or vehicle
13 35 which is intended to reduce energy consumption, or energy



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14 1 costs, or both, or allow the use of an alternative energy
14 2 source, which may contain integral control and measurement
14 3 devices. "Nonprofit organization" means an organization
14 4 exempt from federal income taxation under section 501(c)(3) of
14 5 the Internal Revenue Code.

14 6 Sec. 12. Section 473.20, unnumbered paragraph 1, Code
14 7 2007, is amended to read as follows:

14 8 An energy loan ~~fund~~ program is established ~~in the office of~~
14 9 ~~the treasurer of state to~~ and shall be administered by the
14 10 department.

14 11 Sec. 13. Section 473.20, subsections 1 and 6, Code 2007,
14 12 are amended to read as follows:

14 13 1. The department may ~~make loans to~~ facilitate the loan
14 14 process for the state, state agencies, political subdivisions
14 15 of the state, school districts, area education agencies,
14 16 community colleges, and nonprofit organizations for
14 17 implementation of energy ~~conservation measures~~ management
14 18 improvements identified in a comprehensive engineering
14 19 analysis. Loans shall be ~~made~~ facilitated for all
14 20 cost-effective energy management improvements. For the state,
14 21 state agencies, political subdivisions of the state, school
14 22 districts, area education agencies, community colleges, and
14 23 nonprofit organizations to receive a loan ~~from the fund~~
14 24 assistance under the program, the department shall require
14 25 completion of an energy management plan including an energy
14 26 audit and a comprehensive engineering analysis. The
14 27 department shall approve loans made under this section.

14 28 6. The department shall not require the state, state
14 29 agencies, political subdivisions of the state, school
14 30 districts, area education agencies, and community colleges to
14 31 implement a specific energy ~~conservation measure~~ management
14 32 improvement identified in a comprehensive engineering analysis
14 33 if the entity which prepared the analysis demonstrates to the
14 34 department that the facility which is the subject of the
14 35 energy ~~conservation measure~~ management improvement is unlikely



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15 1 to be used or operated for the full period of the expected
15 2 payback of the energy ~~conservation measure~~ management
15 3 improvement.

15 4 Sec. 14. Section 473.20, subsection 3, Code 2007, is
15 5 amended by striking the subsection.

15 6 Sec. 15. Section 473.20A, Code 2007, is amended to read as
15 7 follows:

15 8 473.20A SELF=LIQUIDATING FINANCING.

15 9 1. The department of natural resources may ~~enter into~~
15 10 facilitate financing agreements with the state, state
15 11 agencies, political subdivisions of the state, school
15 12 districts, area education agencies, community colleges, or
15 13 nonprofit organizations in order to provide the financing to
15 14 pay the costs of furnishing energy ~~conservation measures~~
15 15 management improvements. The provisions of section 473.20
15 16 defining eligible energy conservation measures and the method
15 17 of repayment of the loans management improvements apply to
15 18 financings under this section.

15 19 The financing agreement may contain provisions, including
15 20 interest, term, and obligations to make payments on the
15 21 financing agreement beyond the current budget year, as may be
15 22 agreed upon between the department of natural resources and
15 23 the state, state agencies, political subdivisions of the
15 24 state, school districts, area education agencies, community
15 25 colleges, or nonprofit organizations.

15 26 2. For the purpose of funding its obligation to furnish
15 27 moneys under the financing agreements, or to fund the energy
15 28 loan ~~fund~~ program created in section 473.20, the treasurer of
15 29 state, with the assistance of the department of natural
15 30 resources, or the treasurer of state's duly authorized agents
15 31 or representatives, may incur indebtedness or enter into
15 32 master lease agreements or other financing arrangements to
15 33 borrow to accomplish energy conservation measures, or the
15 34 department of natural resources may enter into master lease
15 35 agreements or other financing arrangements to permit the



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16 1 state, state agencies, political subdivisions of the state,
16 2 school districts, area education agencies, community colleges,
16 3 or nonprofit organizations to borrow sufficient funds to
16 4 accomplish the energy ~~conservation measure~~ management
16 5 improvement. The obligations may be in such form, for such
16 6 term, bearing such interest, and containing such provisions as
16 7 the department of natural resources, with the assistance of
16 8 the treasurer of state, deems necessary or appropriate. ~~Funds~~
~~16 9 remaining after the payment of all obligations have been~~
~~16 10 redeemed shall be paid into the energy loan fund.~~

16 11 3. The state, state agencies, political subdivisions of
16 12 the state, school districts, area education agencies,
16 13 community colleges, and nonprofit organizations may enter into
16 14 financing agreements and issue obligations necessary to carry
16 15 out the provisions of the chapter. Chapter 75 shall not be
16 16 applicable.

16 17 Sec. 16. Sections 473.13, 473.16, 473.17, 473.42, and
16 18 473.44, Code 2007, are repealed.

16 19 EXPLANATION

16 20 This bill relates to the development, management, and
16 21 efficient use of all energy resources in the state.

16 22 The bill defines the terms "renewable energy" and
16 23 "renewable fuel" for purposes of the Code chapter relating to
16 24 energy development and conservation.

16 25 The bill changes the energy efficiency goals for the state
16 26 to the energy resource management goals. The bill changes the
16 27 focus of the goals from the efficient use of nonrenewable
16 28 resources and resources that negatively impact the environment
16 29 to goals of decreasing dependence on nonrenewable resources,
16 30 to be implemented through programs promoting energy efficiency
16 31 and the use of renewable energy.

16 32 The bill provides that, by June 1, 2008, the department of
16 33 natural resources shall deliver to the general assembly a plan
16 34 for the development, management, and efficient use of all
16 35 energy resources in the state.



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17 1 The bill eliminates a requirement that the department
17 2 establish a central depository within the state for energy
17 3 data. The bill requires the department to collect and analyze
17 4 data to use in forecasting future energy demand and supply for
17 5 the state. The bill requires such information to be made
17 6 available through the department's internet website.

17 7 The bill requires the department to provide information
17 8 from monthly fuel surveys. Currently, the department is
17 9 required to perform such surveys.

17 10 The bill eliminates departmental duties relating to
17 11 identifying a state facility to be used as a marketing tool to
17 12 promote energy conservation, exchanging information with other
17 13 states on energy, and conducting a study on activities related
17 14 to energy production and use which contribute to global
17 15 climate change and the depletion of the stratospheric ozone
17 16 layer.

17 17 The bill changes the name of the energy conservation trust
17 18 to the energy conservation fund and eliminates most of the
17 19 provisions relating to the trust. The bill provides that the
17 20 department shall be responsible for the disbursement of any
17 21 funds either received or remaining in the energy conservation
17 22 fund and that the disbursements shall be for projects and
17 23 programs consistent with the legally determined allowable uses
17 24 for the energy conservation trust. The bill requires the
17 25 state department of transportation to report to the department
17 26 of natural resources on the status of the intermodal revolving
17 27 loan fund established in the department on an annual basis.
17 28 The bill requires that, in the fiscal year beginning July 1,
17 29 2019, the department of natural resources shall assume
17 30 responsibility for funds remaining in the intermodal revolving
17 31 loan fund and disburse them for energy programs consistent
17 32 with the legally determined allowable uses for the energy
17 33 conservation fund.

17 34 The bill requires all state agencies, political
17 35 subdivisions of the state, school districts, area education



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18 1 agencies, and community colleges to identify and implement all
18 2 energy management improvements identified by the department
18 3 for which financing is made available by the department of
18 4 natural resources to the entity. The bill provides that,
18 5 except for garages, storage facilities, and brine production
18 6 facilities, any building owned or occupied by a state agency
18 7 shall be analyzed for energy management improvement
18 8 opportunities and the results of the analysis shall be
18 9 submitted to the department by August 1, 2009. The bill
18 10 requires an updated analysis to be submitted to the department
18 11 every three years thereafter.

18 12 The bill requires the department to complete an annual
18 13 report to assess the progress of state agencies, political
18 14 subdivisions of the state, school districts, area education
18 15 agencies, and community colleges in implementing energy
18 16 management improvements, renewable energy systems, life cycle
18 17 cost analyses, and on the use of renewable fuels.

18 18 The bill provides that assistance under the energy bank
18 19 program includes promoting the program availability;
18 20 developing guidelines and model energy techniques for the
18 21 completion of energy analyses; providing technical assistance
18 22 for conducting energy analyses; facilitating loans, leases,
18 23 and other methods of alternative financing from the energy
18 24 loan program; providing assistance for obtaining insurance on
18 25 the energy savings expected to be realized from the
18 26 implementation of energy management improvements; and
18 27 facilitating self-liquidating financing. The bill allows the
18 28 department to assess fees for the services provided and allows
18 29 the department to retain the fees. The bill changes the term
18 30 "energy conservation measure" to "energy management
18 31 improvement" under the energy bank program and the energy loan
18 32 program.

18 33 The bill eliminates the energy loan fund in the office of
18 34 the treasurer of state and makes associated changes. The bill
18 35 changes the energy loan fund to the energy loan program. The
19 1 bill changes a power of the department to make loans under the
19 2 program to the ability to facilitate the loan process under
19 3 the program.

19 4 The bill repeals provisions relating to an engineering
19 5 analysis by the state department of transportation, rules for
19 6 the use of compact fluorescent bulbs in exit signs, plumbing
19 7 products efficiency standards, and receiving additional
19 8 funding for energy-related programs.

19 9 LSB 1410XD 82

19 10 tm:nh/je/5.1