



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

# House Amendment 1057

PAG LIN

1 1 Amend Senate File 39, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 4, line 19, by inserting after the word  
1 4 <statements> the following: <, correspondence,>.  
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1 7  
1 8 JACOBS of Polk  
1 9 SF 39.701 82  
1 10 jr/gg/6227  
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Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 418 - Introduced

HOUSE FILE  
BY WISE

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act relating to a commercial property tax credit for  
2 individual and corporation income tax, and including effective  
3 and retroactive applicability date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2521YH 82  
6 mg/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 418 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.11T COMMERCIAL PROPERTY TAX  
1 2 CREDIT.

1 3 1. The taxes imposed under this division, less the credits  
1 4 allowed under sections 422.12 and 422.12B, shall be reduced by  
1 5 a commercial property tax credit. To qualify for this credit,  
1 6 the taxpayer shall have paid property tax during the tax year  
1 7 levied on property that is assessed as commercial property for  
1 8 property tax purposes.

1 9 2. The total amount of tax credit that may be claimed by a  
1 10 taxpayer equals two hundred seventy-five dollars for a tax  
1 11 year beginning in the 2007 calendar year and five hundred  
1 12 fifty dollars for each tax year beginning in the 2008 calendar  
1 13 year or the 2009 calendar year.

1 14 3. The amount of the tax credit claimed under this section  
1 15 shall not be deducted in computing the taxpayer's taxable  
1 16 income for state income tax purposes.

1 17 4. Any credit in excess of the tax liability shall be  
1 18 refunded with interest computed under section 422.25. In lieu  
1 19 of claiming a refund, a taxpayer may elect to have the  
1 20 overpayment shown on the taxpayer's final, completed return  
1 21 credited to the tax liability for the following tax year.

1 22 5. An individual may claim the tax credit allowed a  
1 23 partnership, limited liability company, S corporation, estate,  
1 24 or trust electing to have the income taxed directly to the  
1 25 individual. The amount claimed by the individual shall be  
1 26 based upon the pro rata share of the individual's earnings of  
1 27 the partnership, limited liability company, S corporation,  
1 28 estate, or trust.

1 29 6. This section is repealed January 1, 2010, for the tax  
1 30 years beginning on or after that date.

1 31 Sec. 2. Section 422.33, Code 2007, is amended by adding  
1 32 the following new subsection:

1 33 NEW SUBSECTION. 24. a. The taxes imposed under this  
1 34 division shall be reduced by a commercial property tax credit.  
1 35 To qualify for this credit, the taxpayer shall have paid



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 418 - Introduced continued

2 1 property tax during the tax year levied on property that is  
2 2 assessed as commercial property for property tax purposes.  
2 3 b. The total amount of credit that may be claimed by a  
2 4 taxpayer equals two hundred seventy-five dollars for a tax  
2 5 year beginning in the 2007 calendar year and five hundred  
2 6 fifty dollars for each tax year beginning in the 2008 calendar  
2 7 year or the 2009 calendar year. For corporations that file a  
2 8 consolidated Iowa return in accordance with section 422.37,  
2 9 each corporation filing on the consolidated return that paid  
2 10 commercial property tax during the tax year may claim the  
2 11 maximum tax credit.

2 12 c. The amount of the tax credit claimed under this  
2 13 subsection shall not be deducted in computing the taxpayer's  
2 14 taxable income for state income tax purposes. For  
2 15 corporations that file a consolidated Iowa return in  
2 16 accordance with section 422.37, each corporation filing on the  
2 17 consolidated return that claimed the credit shall not deduct  
2 18 the amount of the tax credit claimed by it for state income  
2 19 tax purposes.

2 20 d. Any credit in excess of the tax liability shall be  
2 21 refunded with interest computed under section 422.25. In lieu  
2 22 of claiming a refund, a taxpayer may elect to have the  
2 23 overpayment shown on the taxpayer's final, completed return  
2 24 credited to the tax liability for the following tax year.

2 25 e. This subsection is repealed January 1, 2010, for tax  
2 26 years beginning on or after that date.

2 27 Sec. 3. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.  
2 28 This Act, being deemed of immediate importance, takes effect  
2 29 upon enactment and applies retroactively to January 1, 2007,  
2 30 for tax years beginning on or after that date.

2 31 EXPLANATION

2 32 This bill provides for an individual and corporation income  
2 33 tax credit for a certain amount of commercial property tax  
2 34 paid during the tax year. The credit is equal to \$275 for tax  
2 35 years beginning in the 2007 calendar year and \$550 for tax



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 418 - Introduced continued

3 1 years beginning in the 2008 and 2009 calendar years. For  
3 2 corporations included in a consolidated Iowa return, each  
3 3 corporation in the consolidated return that paid commercial  
3 4 property tax can claim the maximum credit. The credit amount  
3 5 is not allowed as a deduction in computing Iowa taxable  
3 6 income. Any credit in excess of the tax liability is  
3 7 refundable.  
3 8 This credit is repealed effective January 1, 2010, for tax  
3 9 periods beginning on or after that date.  
3 10 The bill takes effect upon enactment and applies  
3 11 retroactively to January 1, 2007, for tax years beginning on  
3 12 or after that date.  
3 13 LSB 2521YH 82  
3 14 mg:rj/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - 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 protections for contract producers of  
2 agricultural commodities, providing for the administration and  
3 enforcement of its provisions, providing penalties, and  
4 including applicability and effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 2419HH 82  
7 da/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

PAG LIN

1 1 SUBCHAPTER 1  
1 2 GENERAL PROVISIONS  
1 3 Section 1. NEW SECTION. 202D.101 SHORT TITLE ==  
1 4 DECLARATION OF POLICY == STATUTORY CONSTRUCTION.  
1 5 1. This chapter shall be known and may be cited as the  
1 6 "Agricultural Fair Contracting Act".  
1 7 2. The general assembly finds and declares that the  
1 8 traditional system of producing agricultural commodities for  
1 9 sale in open markets is in the process of undergoing a rapid  
1 10 transformation which has reduced the independence of  
1 11 agricultural producers and created a vast disparity in their  
1 12 bargaining power and access to market information when  
1 13 executing contracts for the production and sale of commodities  
1 14 with contractors of agricultural commodities. The purpose of  
1 15 this chapter is to restore healthy competition in agriculture  
1 16 for the benefit of both contract producers and consumers.  
1 17 This chapter shall be liberally construed in order to  
1 18 effectuate this purpose.  
1 19 Sec. 2. NEW SECTION. 202D.102 DEFINITIONS.  
1 20 As used in this chapter, unless the context otherwise  
1 21 requires:  
1 22 1. "Active contractor" means a person who owns a commodity  
1 23 that is produced by a contract producer at the contract  
1 24 producer's contract operation pursuant to a production  
1 25 contract executed pursuant to section 202D.103.  
1 26 2. "Agricultural contract" means a production contract or  
1 27 a marketing contract.  
1 28 3. "Agricultural contract document" means an agricultural  
1 29 contract or a disclosure statement required to be attached to  
1 30 an agricultural contract as provided in subchapter 2.  
1 31 4. "Agricultural land" means land located in this state  
1 32 which is used as part of an agricultural operation to produce  
1 33 a commodity. "Agricultural land" includes any improvements or  
1 34 fixtures associated with agricultural production that are  
1 35 located on the land.



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

House File 419 - Introduced continued

- 2 1       5. "Agricultural operation" means an enterprise where an  
2 2 agricultural producer produces a commodity for sale in  
2 3 commercial markets, and that involves maintaining a livestock  
2 4 operation or crop operation. A livestock operation may keep  
2 5 the livestock as part of an animal feeding operation,  
2 6 including a confinement feeding operation or open feedlot  
2 7 operation.
- 2 8       6. "Agricultural producer" means a person who produces a  
2 9 commodity at the person's agricultural operation.
- 2 10      7. "Animal feeding operation" means the same as defined in  
2 11 section 459.102.
- 2 12      8. "Attorney general" means the office of attorney general  
2 13 as established in chapter 13.
- 2 14      9. "Capital investment" means an investment associated  
2 15 with an agricultural operation in which financing is provided  
2 16 in order to do any of the following:
- 2 17      a. Construct, install, or expand a structure, such as a  
2 18 confinement feeding operation structure or an open feedlot  
2 19 operation structure.
- 2 20      b. Acquire, including by purchase or lease, machinery or  
2 21 equipment which has a useful life in excess of one year,  
2 22 regardless of whether the machinery or equipment is motorized  
2 23 or fixed to a structure, and includes but is not limited to an  
2 24 implement of husbandry as defined in section 321.1; or a  
2 25 device used to control temperature, odor, or pollution.
- 2 26      10. "Capital investment requirement" means a provision in  
2 27 a production contract or arising from the performance of a  
2 28 production contract that requires a contract producer to make  
2 29 capital investments in an agricultural operation.
- 2 30      11. "Capital investment value" means the total dollar  
2 31 amount that is required to be expended by the contract  
2 32 producer in order to satisfy the capital investment  
2 33 requirements provided in a production contract.
- 2 34      12. "Commodity" means the following:
- 2 35      a. For crops: the plant, any part of the plant, or items



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

House File 419 - Introduced continued

3 1 produced by the plant having commercial value in an  
3 2 unprocessed form.

3 3     b. For livestock: the animal, any part of the animal, or  
3 4 items produced by the animal in unprocessed form.

3 5     13. "Confinement feeding operation" means the same as  
3 6 defined in section 459.102.

3 7     14. "Confinement feeding operation structure" means the  
3 8 same as defined in section 459.102.

3 9     15. "Contract crop operation" means an agricultural  
3 10 operation where a crop is produced according to a production  
3 11 contract executed pursuant to section 202D.103 by a contract  
3 12 producer who holds a legal interest in the agricultural  
3 13 operation, including the crop field.

3 14     16. "Contract input" means a commodity or an organic or  
3 15 synthetic substance or compound that is used to produce a  
3 16 commodity including but not limited to any of the following:

3 17     a. For crops: seeds or plants; or a fertilizer or soil  
3 18 conditioner as defined in section 200.3, or pesticide as  
3 19 defined in section 206.2.

3 20     b. For livestock: animals; semen, embryos, or oocytes for  
3 21 use in breeding; or materials or services used to provide for  
3 22 the care and feeding of the livestock, including but not  
3 23 limited to feed, nutritional supplements, medication, or  
3 24 bedding.

3 25     17. "Contract livestock operation" means an agricultural  
3 26 operation where livestock are produced according to a  
3 27 production contract executed pursuant to section 202D.103 by a  
3 28 contract producer who holds a legal interest in the  
3 29 agricultural operation.

3 30     18. "Contract operation" means an agricultural operation  
3 31 which is a contract livestock operation or contract crop  
3 32 operation.

3 33     19. "Contract producer" means a person who holds a legal  
3 34 interest in a contract operation and who produces a commodity  
3 35 according to an agricultural contract executed pursuant to



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

4 1 section 202D.103.  
4 2 20. "Contractor" means any of the following:  
4 3 a. An active contractor or a passive contractor who  
4 4 executes a production contract as provided in section  
4 5 202D.103.  
4 6 b. A processor who executes a marketing contract as  
4 7 provided in section 202D.103.  
4 8 21. "Crop" means a seed or germinating or developing  
4 9 plant, which is used for food, animal feed, fiber, oil,  
4 10 alcohol, pharmaceuticals, or nutraceuticals. "Crop" includes  
4 11 but is not limited to alfalfa, barley, buckwheat, corn, flax,  
4 12 forage, millet, oats, popcorn, rye, sorghum, soybeans,  
4 13 sunflowers, wheat, and grasses used for forage or silage.  
4 14 22. "Livestock" means a gestating or born animal belonging  
4 15 to the bovine, caprine, equine, ovine, or porcine species,  
4 16 ostriches, rheas, emus; farm deer, as defined in section  
4 17 170.1; or poultry.  
4 18 23. "Marketing contract" means an oral or written  
4 19 agreement executed between a processor and a contract producer  
4 20 pursuant to section 202D.103 in which the processor purchases  
4 21 a commodity from a contract producer, if the commodity is  
4 22 produced as part of the contract producer's agricultural  
4 23 operation.  
4 24 24. "Open feedlot" means the same as defined in section  
4 25 459A.102.  
4 26 25. "Open feedlot effluent" means the same as defined in  
4 27 section 459A.102.  
4 28 26. "Open feedlot operation" means the same as defined in  
4 29 section 459A.102.  
4 30 27. "Open feedlot operation structure" means the same as  
4 31 defined in section 459A.102.  
4 32 28. "Passive contractor" means a person who furnishes  
4 33 management services to a contract producer, and who does not  
4 34 own a commodity that is produced by the contract producer at  
4 35 the contract producer's contract operation according to a



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

House File 419 - Introduced continued

5 1 production contract executed pursuant to section 202D.103.  
5 2 29. "Processing" means turning a commodity into a product  
5 3 by physical or chemical modification, including but not  
5 4 limited to slaughtering, cutting, canning, freezing, drying,  
5 5 dehydrating, cooking, pressing, powdering, packaging,  
5 6 repacking, baking, heating, mixing, grinding, churning,  
5 7 separating, extracting, fermenting, eviscerating, preserving,  
5 8 jarring, or brewing.

5 9 30. "Processor" means a person who is engaged in the  
5 10 business of processing a commodity, if the products derived  
5 11 from a commodity are directly or indirectly to be offered for  
5 12 resale or for public consumption.

5 13 31. "Produce" means to do any of the following:

5 14 a. For a crop operation, provide for planting, raising,  
5 15 harvesting, or storing a crop as part of the contract crop  
5 16 operation on agricultural land. "Produce" includes preparing  
5 17 the soil for planting and nurturing the crop on a crop field  
5 18 by the application of fertilizers or soil conditioners as  
5 19 defined in section 200.3, or pesticides as defined in section  
5 20 206.2.

5 21 b. For a livestock operation, provide for the feed or care  
5 22 of livestock on agricultural land, including but not limited  
5 23 to providing for the handling, health, and security of  
5 24 livestock maintained at the operation; and the storage and  
5 25 disposal of manure originating from the operation. If the  
5 26 livestock are dairy cattle or goats, "produce" includes  
5 27 milking the dairy cattle or goats and storing raw milk at the  
5 28 contract producer's livestock operation. If the livestock are  
5 29 sheep, "produce" includes shearing the sheep and storing the  
5 30 wool at the contract producer's livestock operation. If the  
5 31 livestock are poultry, "produce" includes collecting and  
5 32 storing eggs at the contract producer's livestock facility.

5 33 32. "Production contract" means an oral or written  
5 34 agreement executed pursuant to section 202D.103 that provides  
5 35 for the production of a commodity or the provision of



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

6 1 management services relating to the production of a commodity  
6 2 by a contract producer.

6 3 33. "Termination action" means an action by a contractor  
6 4 who is a party to a production contract based on an alleged  
6 5 breach of contract by a contract producer who is also a party  
6 6 to the contract, if the contractor does any of the following:

6 7 a. Ceases performance under the production contract in a  
6 8 manner that would constitute a breach of the contract absent  
6 9 the alleged breach of contract by the contract producer.

6 10 b. Initiates a civil proceeding seeking damages.

6 11 c. Seizes, levies, attaches, garnishes, or executes on  
6 12 property of the contract producer or a contract input provided  
6 13 under the agricultural contract.

6 14 Sec. 3. NEW SECTION. 202D.103 AGRICULTURAL CONTRACTS  
6 15 GOVERNED BY THIS CHAPTER.

6 16 1. This chapter applies to an agricultural contract as  
6 17 follows:

6 18 a. For a production contract, the contract must relate to  
6 19 the production of a commodity owned by an active contractor  
6 20 and produced by a contract producer at the contract producer's  
6 21 contract operation, and one of the following must apply:

6 22 (1) A production contract must be executed by an active  
6 23 contractor and a contract producer, and the active contractor  
6 24 must have sold commodities produced under all production  
6 25 contracts for an amount equal to or more than five hundred  
6 26 thousand dollars during the active contractor's previous  
6 27 fiscal year.

6 28 (2) A production contract must be executed by an active  
6 29 contractor and a passive contractor and a contract producer  
6 30 for the provision of management services to the contract  
6 31 producer in the production of the commodity, and the active  
6 32 contractor must have sold commodities produced under all  
6 33 production contracts for an amount equal to or more than five  
6 34 hundred thousand dollars during the active contractor's  
6 35 previous fiscal year.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

7 1 (3) A production contract must be executed by a passive  
7 2 contractor and a contract producer, and all of the following  
7 3 must apply:  
7 4 (a) The production contract must provide for management  
7 5 services furnished by the passive contractor to the contract  
7 6 producer in the production of the commodity.  
7 7 (b) The passive contractor must have a contractual  
7 8 relationship with the active contractor involving the  
7 9 production of the commodity.  
7 10 (c) The active contractor must have sold commodities  
7 11 produced under all production contracts for an amount equal to  
7 12 or more than five hundred thousand dollars during the active  
7 13 contractor's previous fiscal year.  
7 14 b. For a marketing contract, the contract must relate to  
7 15 the processor's purchase of a commodity owned by an  
7 16 agricultural producer if the processor purchased commodities  
7 17 under all marketing contracts for an amount equal to or more  
7 18 than five hundred thousand dollars during the processor's  
7 19 previous fiscal year.  
7 20 2. This chapter does not apply to a contract involving any  
7 21 of the following:  
7 22 a. A professional service rendered by a person serving a  
7 23 client who is an agricultural producer, such as a person  
7 24 licensed as a veterinarian or a holder of a temporary permit  
7 25 under chapter 169, a feed supplier, or a crop specialist.  
7 26 b. Testing, developing, or producing seeds or plants for  
7 27 sale or resale to agricultural producers as seed stock, if the  
7 28 sale of the crops or grain which is not sold as seed stock is  
7 29 incidental.  
7 30 c. Research or experimental activities, if the sale of the  
7 31 commodity produced from the agricultural operation is an  
7 32 incidental part of the research or experimental activities.  
7 33 Sec. 4. NEW SECTION. 202D.104 AGRICULTURAL CONTRACTS ==  
7 34 INTEGRATION.  
7 35 An agreement executed between an active contractor and a



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

8 1 passive contractor and an agreement executed between a passive  
8 2 contractor and a contract producer as provided in section  
8 3 202D.103 shall be deemed to be part of the same agricultural  
8 4 contract. To the extent that provisions remain in force,  
8 5 provisions contained in multiple oral or written agreements or  
8 6 amendments to agreements executed by the same parties shall be  
8 7 deemed to be part of an integrated agricultural contract. All  
8 8 related agricultural contract documents shall be deemed to be  
8 9 part of the same agricultural contract.

8 10 Sec. 5. NEW SECTION. 202D.105 NOTICE REQUIREMENTS.

8 11 A notice required to be delivered under this chapter to a  
8 12 party to an agricultural contract shall be delivered by  
8 13 restricted certified mail or by hand with receipt of delivery,  
8 14 unless the manner of delivery is otherwise specified in an  
8 15 agricultural contract executed by the parties.

8 16 Sec. 6. NEW SECTION. 202D.106 OBLIGATION OF GOOD FAITH.

8 17 An obligation of good faith, as provided in section  
8 18 554.1203 of the uniform commercial code, is imposed on all  
8 19 parties to an agricultural contract with respect to the  
8 20 performance and enforcement of its provisions.

8 21 SUBCHAPTER 2

8 22 AGRICULTURAL CONTRACT DOCUMENTS

8 23 Sec. 7. NEW SECTION. 202D.201 AGRICULTURAL CONTRACT  
8 24 DOCUMENTS == READABILITY REQUIREMENTS.

8 25 This section applies to an agricultural contract document  
8 26 that is an agricultural contract executed by a contractor or a  
8 27 disclosure statement required to be attached to the  
8 28 agricultural contract, as provided in this subchapter.

8 29 1. An agricultural contract document shall be readable and  
8 30 understandable. In order to comply with this subsection, the  
8 31 agricultural contract shall be all of the following:

8 32 a. Printed in a legible font type in at least twelve point  
8 33 type size.

8 34 b. Appropriately divided into captioned sections.

8 35 c. Written in a clear and coherent style.

9 1 2. An agricultural contract is not in violation of this  
9 2 section because of any of the following:

9 3 a. The agricultural contract uses language, including  
9 4 terms or phrases, punctuation, or grammar, that is any of the  
9 5 following:

9 6 (1) Required, recommended, or endorsed by federal or state  
9 7 law.

9 8 (2) Understandable by a person of average intelligence,  
9 9 education, and experience in producing or marketing the same  
9 10 type of commodity that is required to be produced or marketed  
9 11 under the agricultural contract.

9 12 (3) Customarily used by agricultural producers who produce  
9 13 or market the same type of commodity that is required to be  
9 14 produced or marketed under the agricultural contract.

9 15 b. The agricultural contract is prepared in a form or  
9 16 utilizes a style that is required, recommended, or endorsed by  
9 17 federal or state law.

9 18 Sec. 8. NEW SECTION. 202D.202 DISCLOSURE STATEMENT  
9 19 REQUIRED.

9 20 A contractor shall not execute a written agricultural  
9 21 contract unless the agricultural contract as executed by an



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

9 22 agricultural producer contains a disclosure statement as  
9 23 provided in this section.

9 24 1. The disclosure statement may contain one or more pages  
9 25 and shall be attached to the front of the agricultural  
9 26 contract.

9 27 2. The disclosure statement shall include all of the  
9 28 following:

9 29 a. A general notice that shall read as follows:

9 30

ATTENTION

9 31

READ YOUR CONTRACT CAREFULLY BEFORE SIGNING

9 32

9 33 This disclosure statement is required under Iowa's  
9 34 agricultural fair contracting Act (Iowa Code chapter 202D) and  
9 35 provides only a brief summary of the provisions in your  
9 35 contract. This disclosure statement is not the contract and



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

10 1 only the terms of the actual contract are legally binding.  
10 2 The contract itself sets forth, in detail, the rights and  
10 3 obligations of both you as a contract producer and the  
10 4 contractor, including your right to review and cancel this  
10 5 contract. If you have any questions or doubts, you are  
10 6 advised to discuss them with your attorney prior to executing  
10 7 this contract.  
10 8 b. The name of the contractor who is a party to the  
10 9 contract. If the agricultural contract is a production  
10 10 contract, the disclosure statement shall include the name of  
10 11 any active contractor to whom a passive contractor has  
10 12 contracted in order to carry out the production contract.  
10 13 c. A summary of the terms and conditions of the  
10 14 agricultural contract, including a description of the material  
10 15 risks that the agricultural producer assumes by executing the  
10 16 agricultural contract, and provisions for renegotiating the  
10 17 agricultural contract.  
10 18 d. The duration of the agricultural contract, including  
10 19 the date that the contract will commence and terminate.  
10 20 e. The party responsible for addressing environmental  
10 21 damages caused by the agricultural operation, including the  
10 22 party responsible for bearing any civil or criminal penalty  
10 23 imposed by the state or federal government.  
10 24 f. All factors used to determine compensation paid to the  
10 25 agricultural producer, including but not limited to any  
10 26 formula used to calculate payment based on quality or quantity  
10 27 of commodities produced or sold.  
10 28 g. Any capital investment requirements.  
10 29 h. The party who is responsible for obtaining and  
10 30 complying with a permit or certification requirements by a  
10 31 local government or the state or federal government, including  
10 32 requirements imposed under chapters 206, 455B, 459, and 459A.  
10 33 i. For a production contract, an explanation of the  
10 34 contract producer's right to review and cancel the contract as  
10 35 provided in section 202D.302.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

11 1       Sec. 9. NEW SECTION. 202D.203 TERMS AND CONDITIONS.  
11 2       A contractor shall not execute a written agricultural  
11 3 contract unless the agricultural contract, as executed by the  
11 4 contract producer, complies with this section.  
11 5       1. The agricultural contract must include all of the  
11 6 following major provisions:  
11 7       a. The names of all parties to the contract.  
11 8       b. Definitions for key words contained in the contract.  
11 9       c. Provisions governing the termination, cancellation,  
11 10 renewal, and amendment of the contract by any party.  
11 11       d. The duties or obligations of each party to perform  
11 12 under the contract.  
11 13       e. Any provisions subject to change in the contract.  
11 14       2. The agricultural contract shall not include any of the  
11 15 following:  
11 16       a. A provision that constitutes an unfair practice as  
11 17 provided in section 202D.303.  
11 18       b. A waiver of any right, obligation, or procedure  
11 19 provided in this chapter, including but not limited to a  
11 20 contract producer's right as provided in section 202D.302,  
11 21 unless otherwise specifically allowed to be waived by law.  
11 22       c. A requirement providing for any of the following:  
11 23       (1) That a dispute must be settled by arbitration in lieu  
11 24 of a judicial proceeding.  
11 25       (2) That a legal cause of action must be commenced in a  
11 26 jurisdiction outside this state.  
11 27       (3) That the law of another state must be applied to an  
11 28 issue or controversy.  
11 29       Sec. 10. NEW SECTION. 202D.204 CAPITAL INVESTMENT  
11 30 REQUIREMENTS.  
11 31       A contractor shall not provide for a capital investment  
11 32 requirement that obligates a contract producer to make new or  
11 33 additional capital investments that have a value of twenty  
11 34 thousand dollars or more during the period that the existing  
11 35 production contract would be effective, unless the contractor



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

12 1 contributes to satisfying the capital investment requirement.  
12 2 In order to make a contribution, the contractor may provide a  
12 3 portion of the capital investment value or offset other  
12 4 compensation or modifications to the terms of the production  
12 5 contract. Each party to the contract must execute the  
12 6 amendment providing a contribution that constitutes an  
12 7 acceptable and satisfactory consideration for satisfying the  
12 8 capital investment requirement.

12 9 Sec. 11. NEW SECTION. 202D.205 PROVISIONS VOID AND  
12 10 UNENFORCEABLE.

12 11 A provision of an agricultural contract that contains a  
12 12 provision in violation of this subchapter is void and  
12 13 unenforceable. However, this section does not affect other  
12 14 provisions of the agricultural contract, including any  
12 15 agricultural contract document or any other related document,  
12 16 policy, or agreement which can be given effect without the  
12 17 voided provision.

12 18 SUBCHAPTER 3  
12 19 CONTRACT PRODUCER RIGHTS

12 20 Sec. 12. NEW SECTION. 202D.301 CONTRACT PRODUCER RIGHTS  
12 21 DEFINED.

12 22 As used in this subchapter, "contract producer right" means  
12 23 a right of a contract producer to do any of the following:

12 24 1. Join or belong to, or to refrain from joining or  
12 25 belonging to, an association of producers.

12 26 2. Enter into a membership agreement or marketing contract  
12 27 with an association of agricultural producers, a processor, or  
12 28 another agricultural producer, and the right of the contract  
12 29 producer to exercise contractual rights under such a  
12 30 membership agreement or marketing contract.

12 31 3. Make a statement or provide information, including to  
12 32 the attorney general, another state agency, the United States  
12 33 secretary of agriculture, or to a law enforcement agency  
12 34 regarding alleged improper actions or violations of law by a  
12 35 contractor. This subsection does not apply to a contract



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

13 1 producer making a statement or providing information in  
13 2 violation of statute or court order. This subsection also  
13 3 does not apply to a statement or information which is  
13 4 slanderous or libelous, including as provided under chapter  
13 5 659.  
13 6 4. Disclose information contained in an agricultural  
13 7 contract notwithstanding any provision requiring that the  
13 8 information is confidential.  
13 9 5. Create, perfect, continue, terminate, or enforce a  
13 10 security interest, including but not limited to filing a  
13 11 financing statement under chapter 554, or a lien under chapter  
13 12 579B.  
13 13 6. Review or cancel a production contract as provided in  
13 14 section 202D.302.  
13 15 7. Enforce any provision of this chapter or rule adopted  
13 16 pursuant to this chapter that provides a right or grants a  
13 17 protection to an agricultural producer.  
13 18 Sec. 13. NEW SECTION. 202D.302 RIGHT TO REVIEW AND  
13 19 CANCEL.  
13 20 1. A contract producer may cancel a production contract by  
13 21 delivering a written cancellation notice to the contractor who  
13 22 is a party to the production contract. The contract producer  
13 23 may deliver the cancellation notice after the day that the  
13 24 contract producer executes the production contract but must  
13 25 deliver it earlier than the following:  
13 26 a. Within three business days after the production  
13 27 contract is executed by the contract producer, or before a  
13 28 later cancellation deadline if a later deadline is specified  
13 29 in the production contract.  
13 30 b. Before the time that the contract producer accepts a  
13 31 contract input.  
13 32 2. a. Following delivery of the cancellation notice, all  
13 33 the following shall apply:  
13 34 (1) Each party shall return any compensation made by a  
13 35 party under the production contract and any negotiable



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

14 1 instrument executed by a party.  
14 2 (2) Any security interest arising out of the production  
14 3 contract is terminated upon the return of any compensation  
14 4 made by the party taking the security interest. A party  
14 5 filing a lien or financing statement shall terminate the lien  
14 6 or financing statement.  
14 7 b. The parties shall comply with the requirements of this  
14 8 subsection within forty=five days following the contractor's  
14 9 receipt of the cancellation notice, unless the production  
14 10 contract specifies a shorter period of time.  
14 11 3. This section does not apply to restrict the right of a  
14 12 contract producer to terminate performance of a production  
14 13 contract based on breach of contract by a contractor.  
14 14 Sec. 14. NEW SECTION. 202D.303 CONTRACT PRODUCER RIGHTS  
14 15 == UNFAIR PRACTICES.  
14 16 A contractor commits an unfair practice if the contractor  
14 17 knowingly engages or permits any employee or agent of the  
14 18 contractor to engage in any of the following:  
14 19 1. Take any action in order to coerce, intimidate,  
14 20 disadvantage, retaliate against, or discriminate against a  
14 21 contract producer because the contract producer exercises, or  
14 22 attempts to exercise, a contract producer's right, including  
14 23 an action affecting any of the following:  
14 24 a. The execution, termination, extension, or renewal of an  
14 25 agricultural contract.  
14 26 b. The treatment of a contract producer, which may include  
14 27 providing discriminatory or preferential terms in an  
14 28 agricultural contract or interpreting terms of an existing  
14 29 agricultural contract in a discriminatory or preferential  
14 30 manner. The terms may relate to the price paid for a  
14 31 commodity; the quality or the quantity of a commodity  
14 32 demanded; or financing, including but not limited to capital  
14 33 investment requirements.  
14 34 c. The grant of a reward or imposition of a penalty,  
14 35 including the denial of a reward. The reward or penalty may



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

15 1 be in any form, including but not limited to financial rewards  
15 2 or penalties. Financial rewards or penalties may relate to  
15 3 loans, bonuses, or inducements.  
15 4 d. Alter the quality, quantity, or delivery times of  
15 5 contract inputs provided to the contract producer.  
15 6 2. Provide false information to the contract producer,  
15 7 which may include false information relating to any of the  
15 8 following:  
15 9 a. An agricultural producer with whom the contract  
15 10 producer associates or an association of agricultural  
15 11 producers or an agricultural organization with which the  
15 12 contract producer is affiliated, including but not limited to  
15 13 any of the following:  
15 14 (1) The character of the agricultural producer.  
15 15 (2) The condition of the finances or the management of the  
15 16 association of agricultural producers or agricultural  
15 17 organization.  
15 18 b. A right of a contract producer provided under this  
15 19 chapter or other provision of law, including but not limited  
15 20 to chapter 579B.  
15 21 3. Refuse, upon request of a contract producer, to provide  
15 22 the contract producer statistical information and data used to  
15 23 determine compensation paid to the contract producer under a  
15 24 production contract, including but not limited to feed  
15 25 conversion rates, feed analyses, origination and livestock  
15 26 breeder history.  
15 27 4. Refuse to allow a contract producer or the contract  
15 28 producer's designated representative to observe, by actual  
15 29 observation at the time of weighing, the weights and measures  
15 30 used to determine the contract producer's compensation under a  
15 31 production contract.  
15 32 5. a. Use the performance of another agricultural  
15 33 producer as a basis for compensating the contract producer or  
15 34 for instituting a termination action under a production  
15 35 contract for the production of livestock.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 419 - Introduced continued

16 1     b. Refuse, upon request of a contract producer, to provide  
16 2 the contract producer with all relevant information requested  
16 3 regarding the performance of another agricultural producer  
16 4 that is used as a basis for compensating the contract producer  
16 5 or for instituting a termination action under a production  
16 6 contract for the production of crops. The contract producer  
16 7 shall not release information required under this paragraph  
16 8 that is a trade secret if the contractor notifies the contract  
16 9 producer that the information is a trade secret. The  
16 10 contractor must identify specific information as a trade  
16 11 secret at the time that the contractor delivers the  
16 12 information. If a majority of the information identified as a  
16 13 trade secret is not a trade secret, the contract producer is  
16 14 not required to consider any of the information a trade  
16 15 secret.

16 16     6. Institute a termination action in violation of section  
16 17 202D.304.

16 18     Sec. 15. NEW SECTION. 202D.304 PRODUCTION CONTRACTS ==  
16 19 TERMINATION ACTIONS AND RIGHT TO CURE NOTICE.

16 20     1. Except as otherwise provided in this section, a  
16 21 contractor who is a party to a production contract shall not  
16 22 institute a termination action, unless the contractor provides  
16 23 the contract producer who is also a party to the production  
16 24 contract with a right to cure.

16 25     2. In order to provide a contract producer with a right to  
16 26 cure as required in this section, all of the following must  
16 27 apply:

16 28     a. The contractor must deliver a written notice of the  
16 29 right to cure to the contract producer. The notice must  
16 30 provide for all of the following:

16 31         (1) A statement that the contractor may initiate a  
16 32 termination action based on the alleged breach of contract,  
16 33 including an explanation of the termination action, and the  
16 34 contractor's possible remedies.

16 35         (2) A list of complaints identifying all causes for the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

17 1 alleged breach of contract. The list must specify each  
17 2 complaint in detail sufficient to allow a reasonable contract  
17 3 producer engaged in the same type of agricultural operation to  
17 4 cure each complaint listed in the notice.

17 5 (3) The date by which the complaints must be cured in  
17 6 order to avoid the termination action.

17 7 b. The contract producer must fail to cure each complaint  
17 8 alleged to have caused the breach of contract as listed in the  
17 9 notice within thirty days from the receipt of the notice or a  
17 10 longer period if specified in the production contract or in  
17 11 the notice.

17 12 3. The failure by a contract producer to cure a complaint  
17 13 alleged to cause the breach of contract as listed in a notice  
17 14 of cure shall not be construed as an admission of a breach of  
17 15 contract in a civil cause of action.

17 16 4. A contractor is not required to provide for a right to  
17 17 cure as otherwise required in this section, if any of the  
17 18 following applies:

17 19 a. The production contract does not contain a capital  
17 20 investment requirement or has a capital investment requirement  
17 21 with a capital investment value of less than one hundred  
17 22 thousand dollars.

17 23 b. The contract producer voluntarily abandons the  
17 24 contractual relationship with the contractor. A complete  
17 25 failure of the contract producer's performance under the  
17 26 production contract shall be deemed to be abandonment.

17 27 c. The contract producer is convicted for an offense of  
17 28 fraud or theft committed against the contractor on a date  
17 29 after the date that the contractor executed the production  
17 30 contract.

17 31 SUBCHAPTER 4

17 32 JUDICIAL REMEDIES

17 33 Sec. 16. NEW SECTION. 202D.401 CHAPTER NOT EXCLUSIVE.

17 34 This chapter does not limit the right of a contract  
17 35 producer to raise a claim for relief or defense under common



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

18 1 law or statute that is otherwise available to the contract  
18 2 producer and does not limit the authority of a court to  
18 3 provide a remedy in law or equity available to a court, to the  
18 4 extent that the claim, defense, or remedy is not based on a  
18 5 provision of this chapter.

18 6 Sec. 17. NEW SECTION. 202D.402 PRIVATE CAUSE OF ACTIONS  
18 7 COMMENCED UNDER THIS CHAPTER.

18 8 A contract producer who is a real party in interest may  
18 9 commence a civil action or raise a claim for relief or defense  
18 10 in another civil action, based on a violation of this chapter,  
18 11 and may obtain appropriate legal and equitable relief,  
18 12 including damages or injunctive relief, as provided in this  
18 13 subchapter and the Iowa rules of civil procedure.

18 14 Sec. 18. NEW SECTION. 202D.403 INJUNCTIVE RELIEF.

18 15 In order to obtain injunctive relief, a contract producer  
18 16 who commences a civil action as provided in section 202D.402  
18 17 is not required to post a bond, prove the absence of an  
18 18 adequate remedy at law, or show the existence of special  
18 19 circumstances, unless the court for good cause otherwise  
18 20 orders. The court may order any form of prohibitory or  
18 21 mandatory relief that is appropriate under principles of  
18 22 equity, including but not limited to issuing a temporary or  
18 23 permanent restraining order.

18 24 Sec. 19. NEW SECTION. 202D.404 ATTORNEY FEES.

18 25 If in a civil action arising out of an agricultural  
18 26 contract, in which the contract producer and the contractor  
18 27 are parties, and the contract producer prevails, there shall  
18 28 be provided in the judgment for the contract producer, and  
18 29 entered and taxed as a part of the costs in the case, a  
18 30 reasonable sum as compensation to the contract producer's  
18 31 attorney, not exceeding the amount provided by law for  
18 32 attorney fees as provided in section 625.22 together with the  
18 33 costs of the case incurred by the contract producer.

18 34 Sec. 20. NEW SECTION. 202D.405 SPECIAL PROVISIONS FOR  
18 35 ILLEGAL TERMINATION ACTIONS.

19 1 If a contractor who is a party to a production contract  
19 2 institutes a termination action in violation of section  
19 3 202D.304, the contract producer may treat the termination  
19 4 action as a breach of contract. The contractor shall pay all  
19 5 damages for the breach, including but not limited to damages  
19 6 associated with maintaining a commodity produced under the  
19 7 production contract. In addition to other damages, the  
19 8 contractor shall be liable for an amount equal to the value of  
19 9 the remaining useful life of the structures and machinery or  
19 10 equipment which is part of the contract producer's  
19 11 agricultural operation.

19 12 SUBCHAPTER 5

19 13 ADMINISTRATION, ENFORCEMENT, AND PENALTIES

19 14 Sec. 21. NEW SECTION. 202D.501 ADMINISTRATIVE RULES.

19 15 The attorney general shall adopt rules as provided in  
19 16 chapter 17A necessary for the efficient administration of this  
19 17 chapter.

19 18 Sec. 22. NEW SECTION. 202D.502 INVESTIGATIONS.

19 19 1. The attorney general may conduct an investigation to  
19 20 determine if a contractor is complying with the requirements  
19 21 of this chapter.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

19 22       2. Any person may file a complaint with the attorney  
19 23 general regarding a violation of this chapter according to  
19 24 procedures adopted by the attorney general.  
19 25       3. The attorney general may conduct investigations at  
19 26 times and places and to an extent that the attorney general  
19 27 determines are necessary in order to conclude whether a  
19 28 violation of this chapter has occurred. The attorney general  
19 29 may inspect records relating to agricultural contracts  
19 30 executed by a contractor or contract producer under this  
19 31 chapter. The attorney general may enter upon any public or  
19 32 private premises during regular business hours in a manner  
19 33 consistent with the laws of this state and the United States,  
19 34 including Article I, section 8, of the Constitution of the  
19 35 State of Iowa, or the fourth amendment to the Constitution of



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

House File 419 - Introduced continued

20 1 the United States for purposes of carrying out an inspection.  
20 2     Sec. 23. NEW SECTION. 202D.503 ENFORCEMENT.  
20 3     1. The attorney general's office is the primary agency  
20 4 responsible for enforcing this chapter.  
20 5     2. In enforcing the provisions of this chapter, the  
20 6 attorney general may do all of the following:  
20 7     a. Apply to the district court for an injunction to do any  
20 8 of the following:  
20 9         (1) Restrain a contractor from engaging in conduct or  
20 10 practices in violation of this chapter.  
20 11         (2) Require a contractor to comply with a provision of  
20 12 this chapter.  
20 13     b. Apply to the district court for the issuance of a  
20 14 subpoena to obtain a copy of an agricultural contract for  
20 15 purposes of enforcing this chapter.  
20 16     c. Establish, assess, and collect civil penalties for  
20 17 violations of this chapter in accordance with section  
20 18 202D.504, including by instituting a contested case proceeding  
20 19 as provided in chapter 17A in order to assess civil penalties,  
20 20 or bring an action in district court in order to assess and  
20 21 collect civil penalties. Moneys collected from civil  
20 22 penalties shall be deposited into the general fund of the  
20 23 state.  
20 24     d. Commence, file, and prosecute any action or information  
20 25 based on an alleged commission by a contractor of a criminal  
20 26 offense as provided in this chapter.  
20 27     3. The attorney general may transmit evidence, proof, and  
20 28 information pertaining to a criminal offense as provided in  
20 29 this chapter to the county attorney of the county in which the  
20 30 alleged offense occurred, and the county attorney may  
20 31 commence, file, and prosecute the action or information.  
20 32     4. This chapter does not do any of the following:  
20 33     a. Limit the authority of the attorney general to seek  
20 34 administrative, legal, or equitable relief as provided by  
20 35 other statutes or at common law.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

21 1 b. Require the attorney general to institute a proceeding  
21 2 for a violation of this chapter, if the attorney general  
21 3 concludes that the public interest will be best served by a  
21 4 suitable notice of warning in writing.

21 5 Sec. 24. NEW SECTION. 202D.504 CIVIL PENALTIES.

21 6 A contractor who violates a provision of this chapter is  
21 7 subject to a civil penalty of not more than ten thousand  
21 8 dollars.

21 9 1. A contractor may be assessed a civil penalty for  
21 10 committing different acts in violation of this chapter which  
21 11 arise from an agricultural contract involving the same  
21 12 agricultural operation, but the contractor shall not be  
21 13 assessed an aggregate amount of more than the maximum amount  
21 14 provided in this subsection.

21 15 2. A contractor shall not be assessed a civil penalty for  
21 16 violating section 202D.202 to the extent that a contractor  
21 17 made a good faith and reasonable effort to comply with the  
21 18 section.

21 19 Sec. 25. NEW SECTION. 202D.505 CRIMINAL PENALTIES.

21 20 1. A contractor who executes a production contract that  
21 21 includes a provision in violation of section 202D.204 is  
21 22 guilty of a fraudulent practice as provided in section 714.8.

21 23 2. A contractor who commits an unfair practice as provided  
21 24 in section 202D.303 is guilty of a simple misdemeanor.

21 25 Sec. 26. Section 459A.103, subsection 1, paragraph d, Code  
21 26 2007, is amended to read as follows:

21 27 d. For purposes of determining whether two or more open  
21 28 feedlot operations are under common management, a person must  
21 29 have significant control of the management of the day-to-day  
21 30 operations of each of the open feedlot operations. Common  
21 31 management does not include control over a contract livestock  
21 32 facility by a contractor, ~~as defined in section 202.1.~~

21 33 Sec. 27. Section 579B.1, subsection 12, Code 2007, is  
21 34 amended to read as follows:

21 35 12. "Open feedlot" means the same as defined in section



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

22 1 ~~202.1~~ 459A.102.

22 2       Sec. 28. NEW SECTION. 614.28A AGRICULTURAL CONTRACTS.

22 3       An action based upon an agricultural contract in which a  
22 4 claim arises out of the failure of a contractor to meet the  
22 5 requirements regarding an agricultural contract as provided in  
22 6 chapter 202D, subchapter 2, shall not be maintained after six  
22 7 years from the date that the agricultural producer knew or  
22 8 should have known of the alleged violation by using due  
22 9 diligence.

22 10       Sec. 29. RULEMAKING PROCEDURES. In adopting rules in  
22 11 order to implement this Act, the attorney general shall  
22 12 consult with the department of agriculture and land  
22 13 stewardship. The attorney general shall also consult with  
22 14 organizations representing agricultural producers, including  
22 15 contract producers, and contractors including active  
22 16 contractors and passive contractors executing production  
22 17 contracts and processors executing marketing contracts.

22 18       Sec. 30. APPLICABILITY.

22 19       1. Except as provided in subsection 2, this Act applies to  
22 20 agricultural contracts in force on or after the date of  
22 21 enactment of this Act, regardless of the date that the  
22 22 agricultural contract is executed.

22 23       2. Notwithstanding subsection 1, the following provisions  
22 24 shall apply to agricultural contracts executed or  
22 25 substantially amended after the date of enactment of this Act:

22 26       a. Section 202D.201, relating to readability requirements  
22 27 for agricultural contract documents.

22 28       b. Section 202D.202, relating to disclosure statements.

22 29       c. Section 202D.203, subsection 2, paragraph "c", relating  
22 30 to the settlement of disputes.

22 31       d. Section 202D.302, relating to a contract producer's  
22 32 right to review or cancel an agricultural contract.

22 33       Sec. 31. DIRECTIONS TO CODE EDITOR. The Code editor is  
22 34 directed to transfer section 202.3 to chapter 202D, subchapter  
22 35 2, as enacted in this Act, and renumber the section as



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

23 1 202D.206 or another number consistent with this Act, and  
23 2 correct internal references as necessary.  
23 3 Sec. 32. Sections 202.1, 202.2, 202.4, and 202.5, Code  
23 4 2007, are repealed.

23 5 Sec. 33. EFFECTIVE DATE. This Act, being deemed of  
23 6 immediate importance, takes effect upon enactment.

23 7 EXPLANATION

23 8 This bill creates a new Code chapter 202D, which replaces  
23 9 Code chapter 202 enacted by the Seventy-eighth General  
23 10 Assembly in 1999 (1999 Acts, chapter 169), providing a number  
23 11 of protections for contract producers of agricultural  
23 12 commodities. The bill rewrites a number of those provisions,  
23 13 creates a number of new provisions, and transfers one  
23 14 provision to the new Code chapter that has been organized into  
23 15 a number of subchapters.

23 16 GENERAL PROVISIONS. Subchapter 1 provides a number of  
23 17 general provisions with general applicability, including  
23 18 provisions relating to the new Code chapter's title and  
23 19 purpose, definitions, and applicability.

23 20 Code section 202D.101 provides the Code chapter's short  
23 21 title, the "Agricultural Fair Contracting Act", and provides  
23 22 findings and a declaration of purpose which is to restore  
23 23 healthy competition in agriculture for the benefit of both  
23 24 contract producers and consumers.

23 25 Code section 202D.102 provides a number of definitions,  
23 26 many of them variations upon definitions provided in Code  
23 27 chapter 202, and includes definitions for contract producers  
23 28 and contractors. A contract producer is a person who holds a  
23 29 legal interest in an agricultural operation that produces a  
23 30 commodity according to a contract. A contractor is a person  
23 31 who executes a contract for the production of the commodity.  
23 32 The bill provides that a marketing contract is a contract in  
23 33 which a processor agrees to purchase a commodity from the  
23 34 contract producer. The commodity may be livestock or raw  
23 35 products derived from the livestock such as milk or eggs, or a



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

24 1 crop including corn and soybeans.  
24 2 Code section 202D.103 provides for the general  
24 3 applicability of the Code chapter. Similar to Code chapter  
24 4 202, it provides for the regulation of a production contract  
24 5 executed by a contract producer and a contractor (i.e.,  
24 6 "active contractor") or a contract producer and another person  
24 7 ("passive contractor") who is under contract with the active  
24 8 contractor.  
24 9 It provides that the Code chapter governs agricultural  
24 10 contracts (production or marketing contracts) upon meeting a  
24 11 threshold. For a production contract, the bill's provisions  
24 12 apply if the contractor sold commodities under all production  
24 13 contracts in the last year of \$500,000 or more. For a  
24 14 marketing contract, the bill's provisions apply if the  
24 15 contractor purchased commodities under all marketing contracts  
24 16 in the last year of \$500,000 or more. The bill makes a number  
24 17 of exceptions for certain contracts such as contracts for  
24 18 professional services; the testing, development, or production  
24 19 of seeds or plants for sale or resale to producers as seed  
24 20 stock; and contracts involving research or experimental  
24 21 activities, if the sale of the commodity is incidental.  
24 22 Code section 202D.104 provides for the integration of  
24 23 agreements between active and passive contractors and contract  
24 24 producers involving the production of a commodity. It  
24 25 provides for the integration of multiple oral or written  
24 26 agreements or amendments executed by the same parties, and for  
24 27 the integration of all documents related to the same  
24 28 agricultural contract.  
24 29 Code section 202D.105 provides procedures for notice  
24 30 between contract producers and contractors, including delivery  
24 31 by certified mail.  
24 32 Code section 202D.106 imposes an obligation of good faith  
24 33 on parties to an agricultural contract in the same manner as  
24 34 provided to merchants under the uniform commercial code, and  
24 35 specifically Code section 554.1203.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 419 - Introduced continued

25 1       AGRICULTURAL CONTRACT DOCUMENTS. Subchapter 2 provides for  
25 2 the agricultural contract documents, including requirements  
25 3 for a disclosure statement, and the contents of agricultural  
25 4 contracts.

25 5       Code section 202D.201 provides that an agricultural  
25 6 contract document (the agricultural contract or a disclosure  
25 7 statement required to be attached to the agricultural  
25 8 contract) must be readable and understandable. In order to  
25 9 comply with this requirement, the bill provides that the  
25 10 agricultural contract be in a legible type, appropriately  
25 11 divided into captioned sections, and written in a clear and  
25 12 coherent style.

25 13       Code section 202D.202 provides that a contractor is  
25 14 prohibited from executing a written agricultural contract,  
25 15 unless the agricultural contract as executed by the contract  
25 16 producer contains a disclosure statement that must be attached  
25 17 to the agricultural contract. The statement must include a  
25 18 general notice to contract producers, the name of the  
25 19 contractor, a summary of the contract's terms and conditions,  
25 20 its duration, the party responsible for addressing  
25 21 environmental damages caused by the agricultural operation,  
25 22 factors used to determine compensation paid to the contract  
25 23 producer, capital investment requirements, and the party who  
25 24 is responsible for obtaining and complying with a permit or  
25 25 certification requirements. In addition, for a production  
25 26 contract, it must include an explanation of the contract  
25 27 producer's right to review and cancel the contract.

25 28       The bill also provides that the disclosure statement must  
25 29 be printed in a legible font type and point size, be  
25 30 appropriately divided and captioned into sections, and must be  
25 31 written in a clear and coherent style using words,  
25 32 punctuation, and grammar that is understandable by an ordinary  
25 33 agricultural producer producing or marketing the same type of  
25 34 commodity.

25 35       Code section 202D.203 prohibits a contractor from executing



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

House File 419 - Introduced continued

26 1 a written agricultural contract, unless it complies with  
26 2 certain requirements. It must include the names of all  
26 3 parties; key definitions; provisions governing termination,  
26 4 cancellation, renewal, and amendment; the duties and  
26 5 obligations of the parties; and provisions subject to change.  
26 6 The Code section provides that an agricultural contract cannot  
26 7 include a provision that constitutes an unfair practice as  
26 8 provided in the bill; a waiver or a right, obligation, or  
26 9 procedure contained in the bill; a requirement providing for  
26 10 dispute resolution by arbitration; or a provision governing  
26 11 choice of law or choice of forum.

26 12 Code section 202D.204 prohibits a contractor from executing  
26 13 an amendment to a production contract that obligates a  
26 14 contract producer to make new or additional capital  
26 15 investments of \$20,000 or more under certain circumstances, if  
26 16 the contractor does not contribute to satisfying the capital  
26 17 investment requirement.

26 18 Code section 202D.205 provides that any provision of an  
26 19 agricultural contract that contains a provision in violation  
26 20 of the subchapter is void and unenforceable.

26 21 CONTRACT PRODUCER RIGHTS. Subchapter 3 provides for  
26 22 contract producer rights, including a listing of those rights,  
26 23 the right to review and cancel an agricultural contract, and  
26 24 unfair practices by contractors.

26 25 Code section 202D.301 provides a list of contract producer  
26 26 rights. The Code section includes the right to join or belong  
26 27 to or to refrain from joining or belonging to an association  
26 28 of producers, enter into membership agreements or marketing  
26 29 contracts with associations of producers or a processor, make  
26 30 statements or provide information to governmental officials  
26 31 such as the attorney general's office, disclose information  
26 32 contained in an agricultural contract notwithstanding any  
26 33 provision requiring that the information is confidential,  
26 34 create and enforce a security interest, review and cancel a  
26 35 production contract as provided in the bill, and enforce a



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 419 - Introduced continued

27 1 provision of the bill.  
27 2 Code section 202D.302 provides that a contract producer may  
27 3 cancel the production contract by delivering a written  
27 4 cancellation notice to the contractor who is a party to the  
27 5 contract. Generally, the contract producer must deliver the  
27 6 notice within three days following execution or before  
27 7 accepting contract inputs, whichever occurs first. The bill  
27 8 also provides for reversing actions taken by the parties if  
27 9 the contract is cancelled.  
27 10 Code section 202D.303 sets out unfair practices committed  
27 11 by a contractor, including taking an action in order to coerce  
27 12 or retaliate against a contract producer because the contract  
27 13 producer exercises a right relating to the contract or the  
27 14 treatment of the contract producer; the grant of a reward or  
27 15 imposition of a penalty; or altering the quality, quantity, or  
27 16 delivery times of a contract input. It prohibits a contractor  
27 17 from providing false information to the contract producer,  
27 18 which may include false information relating to an  
27 19 agricultural contract, an agricultural producer, or the  
27 20 contract operation. It prohibits a contractor from refusing a  
27 21 request by a contract producer to provide statistical  
27 22 information used to determine compensation levels or to  
27 23 observe the weighing and measuring of a commodity. It  
27 24 prohibits a contractor from using the performance of another  
27 25 livestock producer as the basis for compensation or from  
27 26 refusing a request to provide the contract producer  
27 27 information regarding the performance of another agricultural  
27 28 producer that is used as the basis for compensation.  
27 29 Code section 202D.304 prohibits a contractor from  
27 30 terminating a production contract, including by bringing a  
27 31 legal action or enforcing a security interest against a  
27 32 contract producer, unless the contractor provides the contract  
27 33 producer with a right to cure. The contractor must provide a  
27 34 notice of any breach of contract to the contract producer,  
27 35 including a list of complaints causing the alleged breach, and



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 419 - Introduced continued

28 1 allow the contract producer at least 30 days in order to cure  
28 2 the complaints. The bill provides that the right to cure does  
28 3 not apply to a production contract that does not contain a  
28 4 capital investment requirement or has such an investment  
28 5 requirement with a capital investment value of less than  
28 6 \$100,000. It also does not apply if the contract producer  
28 7 voluntarily abandons the contractual relationship with the  
28 8 contractor or is convicted of an offense of fraud or theft  
28 9 committed against the contractor.

28 10 JUDICIAL REMEDIES. Subchapter 4 provides a number of  
28 11 judicial remedies that supplement common law remedies,  
28 12 including the right to injunctive relief, attorney fees, and  
28 13 special damages.

28 14 Code section 202D.401 provides that the bill's new chapter  
28 15 does not limit the right of a contract producer to raise a  
28 16 claim for relief or defense under common law or statute that  
28 17 is otherwise available.

28 18 Code section 202D.402 provides that a contract producer may  
28 19 commence a civil action or raise a claim for relief or defense  
28 20 in another civil action, based on a violation of the bill's  
28 21 new Code chapter.

28 22 Code section 202D.403 provides that in order to obtain  
28 23 injunctive relief, a contract producer who commences a civil  
28 24 action is not required to post a bond, prove the absence of an  
28 25 adequate remedy at law, or show the existence of special  
28 26 circumstances.

28 27 Code section 202D.404 provides that a contract producer who  
28 28 prevails in a civil action against a contractor is entitled to  
28 29 receive attorney fees paid by the contractor.

28 30 Code section 202D.405 provides that if a contractor  
28 31 institutes a termination action in violation of provisions  
28 32 allowing contract producers a right to cure an alleged breach  
28 33 of production contracts with capital investment requirements,  
28 34 the contract producer may treat the termination action as a  
28 35 breach of contract, the contractor is liable for damages, and  
29 1 is liable for an amount equal to the value of the remaining  
29 2 useful life of the structures and machinery or equipment which  
29 3 is part of the contract producer's agricultural operation.

29 4 ADMINISTRATION, ENFORCEMENT, AND PENALTIES. Subchapter 5  
29 5 provides for the administration and enforcement of the new  
29 6 Code chapter by the attorney general, and provides both civil  
29 7 and criminal penalties.

29 8 Code section 202D.501 provides that the attorney general  
29 9 must adopt rules necessary for the efficient administration of  
29 10 the bill's new Code chapter.

29 11 Code section 202D.502 provides that the attorney general  
29 12 may conduct an investigation to determine if a contractor is  
29 13 complying with the requirements of the new Code chapter.

29 14 Code section 202D.503 provides that the attorney general's  
29 15 office is the primary agency responsible for enforcing the  
29 16 bill's new Code chapter. It provides that the attorney  
29 17 general's office may apply to district court for injunctive  
29 18 relief or a subpoena; establish, assess, and collect civil  
29 19 penalties for violations of the chapter; and prosecute a case  
29 20 based on a criminal violation of the new Code chapter. The  
29 21 bill also provides that the attorney general may transmit



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

29 22 information to a county attorney for prosecution.  
29 23 Code section 202D.504 provides for civil penalties.  
29 24 Generally, a contractor who violates a provision of the bill  
29 25 is subject to a civil penalty of not more than \$10,000. The  
29 26 bill provides that the civil penalty does not apply to a  
29 27 violation involving a disclosure requirement, if the  
29 28 contractor made a good faith and reasonable effort to comply  
29 29 with the requirements.  
29 30 Code section 202D.505 provides for criminal penalties  
29 31 imposed upon a contractor who commits certain offenses  
29 32 specified in the new Code section. A contractor who commits  
29 33 an unfair practice is guilty of a simple misdemeanor. A  
29 34 contractor who imposes a confidentiality requirement in a  
29 35 production contract in violation of Code section 202.3 as



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 419 - Introduced continued

30 1 transferred into the new Code chapter is guilty of a  
30 2 fraudulent practice (no change from current law).  
30 3 MISCELLANEOUS PROVISIONS. The bill provides a number of  
30 4 related miscellaneous provisions, many appearing only in  
30 5 session law.  
30 6 The bill amends Code chapter 614 that provides for statutes  
30 7 of limitations. The bill creates Code section 614.28A that  
30 8 provides a six-year statute of limitations for civil actions  
30 9 involving the failure of a contractor in meeting requirements  
30 10 regarding the contents of agricultural contracts as provided  
30 11 in the bill.  
30 12 The bill provides rulemaking authority to the attorney  
30 13 general's office, by requiring the office to consult with the  
30 14 department of agriculture and land stewardship and  
30 15 organizations interested in agricultural contracting.  
30 16 The bill provides for its applicability. With limited  
30 17 exceptions, the bill applies to agricultural contracts in  
30 18 force on or after the date of enactment of the bill. The  
30 19 exceptions relate to provisions relating to the settlement of  
30 20 disputes, requirements for readability and disclosure  
30 21 statements, and the right of a contract producer to review and  
30 22 cancel a contract.  
30 23 The bill directs the Code editor to transfer Code section  
30 24 202.3 to the new Code chapter, into subchapter 2. The bill  
30 25 repeals the remaining Code sections in Code chapter 202.  
30 26 The bill takes effect upon enactment.  
30 27 LSB 2419HH 82  
30 28 da:nh/es/88.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 420 - Introduced

HOUSE FILE  
BY QUIRK

(COMPANION TO LSB 2328SS  
BY RIELLY)

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

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 2328HH 82
- 5 av/cf/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 420 - 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.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 420 - Introduced continued

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 2328HH 82  
2 18 av:rj/cf/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 421 - Introduced

HOUSE FILE  
BY MAY, CHAMBERS, and  
FREVERT

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

- 1 An Act providing for the sale of motor homes at a camping rally
- 2 conducted by a manufacturer under a temporary retail sales
- 3 permit.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1367YH 82
- 6 dea/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 421 - Introduced continued

PAG LIN

1 1 Section 1. Section 322.5, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 6. a. Notwithstanding any other  
1 4 provision of this chapter, upon receipt of a temporary retail  
1 5 sales permit, a licensed manufacturer of motor homes, as  
1 6 defined in section 321.1, may display and sell at retail new  
1 7 motor homes manufactured by that manufacturer at a camping  
1 8 rally sponsored by the manufacturer and approved by the  
1 9 department.

1 10 b. Application for a temporary retail sales permit shall  
1 11 be made on forms provided by the department and shall be  
1 12 accompanied by a thirty-five dollar permit fee. A temporary  
1 13 retail sales permit shall be issued for a single period not to  
1 14 exceed twelve days, excluding Sundays.

1 15 c. The department may adopt rules establishing  
1 16 requirements the department deems appropriate for temporary  
1 17 retail sales permittees, including but not limited to  
1 18 requiring the furnishing of a surety bond or other evidence of  
1 19 indemnification of motor home purchasers as provided in  
1 20 section 322.4, subsection 7, and requiring proof of financial  
1 21 liability coverage as provided in section 322.4, subsection 8.

1 22 d. For purposes of this subsection, "camping rally" means  
1 23 an event for registered participants that is held at a  
1 24 fairgrounds or campgrounds, conducted by a manufacturer no  
1 25 more than once in a calendar year in this state, and not open  
1 26 to the public generally.

1 27 EXPLANATION

1 28 This bill allows a manufacturer of motor homes to display  
1 29 and sell its motor homes at an annual camping rally sponsored  
1 30 by the manufacturer. Current law allows a motor home  
1 31 manufacturer to be licensed as a dealer only of motor homes  
1 32 manufactured by that manufacturer. Current law also allows a  
1 33 licensed motor home dealer to obtain a temporary permit to  
1 34 display, offer for sale, and negotiate sales at fairs, vehicle  
1 35 shows, and exhibitions, but sales must be consummated at the



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 421 - Introduced continued

2 1 dealer's principal place of business. The bill allows a  
2 2 manufacturer of motor homes that is licensed as a manufacturer  
2 3 in this state to apply to the department of transportation for  
2 4 a temporary retail sales permit to display and sell motor  
2 5 homes manufactured by that manufacturer at a camping rally  
2 6 approved by the department. "Camping rally" is defined as an  
2 7 event for registered participants that is held at a  
2 8 fairgrounds or campgrounds, is conducted by a manufacturer no  
2 9 more than once in a calendar year in this state, and is not  
2 10 open to the public generally. A temporary permit shall be  
2 11 issued for a single period of no more than 12 days, excluding  
2 12 Sundays.

2 13 The bill requires a manufacturer to submit an application  
2 14 to the department for a temporary retail sales permit,  
2 15 accompanied by a \$35 fee. The department is authorized to  
2 16 adopt rules establishing appropriate requirements for  
2 17 temporary retail sales permittees, including furnishing  
2 18 evidence of indemnification of purchasers and proof of  
2 19 financial responsibility.

2 20 LSB 1367YH 82  
2 21 dea:nh/gg/14.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**House File 422 - Introduced**

HOUSE FILE  
BY MASCHER

(COMPANION TO SF 119)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

**A BILL FOR**

- 1 An Act increasing punitive damages that may be awarded for
- 2 wrongful retention of certain rental deposits.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1987HH 82
- 5 av/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 422 - Introduced continued

PAG LIN

1 1 Section 1. Section 562A.12, subsection 7, Code 2007, is  
1 2 amended to read as follows:  
1 3 7. The ~~bad faith~~ wrongful retention of a deposit by a  
1 4 landlord, or any portion of the rental deposit, in violation  
1 5 of this section shall subject the landlord to punitive damages  
1 6 ~~not to exceed two~~ equal to double the amount of the deposit or  
1 7 the portion of the deposit wrongfully retained or five hundred

1 8 dollars, whichever is more, in addition to actual damages.

1 9 Sec. 2. Section 562B.13, subsection 8, Code 2007, is  
1 10 amended to read as follows:

1 11 8. The ~~bad faith~~ wrongful retention of a deposit by a  
1 12 landlord, or any portion of the rental deposit, in violation  
1 13 of this section shall subject the landlord to punitive damages  
1 14 ~~not to exceed two~~ equal to double the amount of the deposit or  
1 15 the portion of the deposit wrongfully retained or five hundred  
1 16 dollars, whichever is more, in addition to actual damages.

1 17 EXPLANATION

1 18 This bill increases the amount of punitive damages that can  
1 19 be awarded when a landlord wrongfully retains a rental deposit  
1 20 or a portion of a rental deposit made to secure performance of  
1 21 a residential rental agreement under Code section 562A.12 or a  
1 22 mobile home space rental agreement under Code section 562B.13.

1 23 The bill requires that a landlord who violates these  
1 24 provisions shall be subject to punitive damages equal to  
1 25 double the amount of the deposit or portion of the deposit  
1 26 that is wrongfully retained or \$500, whichever is more, in  
1 27 addition to actual damages.

1 28 Currently, a violation of these sections cannot subject a  
1 29 landlord to punitive damages in excess of \$200.

1 30 LSB 1987HH 82

1 31 av:nh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**House File 423 - Introduced**

HOUSE FILE  
BY WISE

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act allowing nonresidents under sixteen years of age to
- 2 purchase a preserve hunting license and providing a fee.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2145HH 82
- 5 av/je/5



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 423 - Introduced continued

PAG LIN

1	1	Section 1. Section 483A.1, subsection 2, Code 2007, is	
1	2	amended to read as follows:	
1	3	2. Nonresidents:	
1	4	a. Fishing license, annual .....	\$ 39.00
1	5	b. Fishing license, seven=day .....	\$ 30.00
1	6	c. Hunting license, eighteen years	
1	7	of age or older .....	\$ 80.00
1	8	d. Hunting license, under eighteen	
1	9	years of age .....	\$ 30.00
1	10	e. <u>Preserve hunting license, under</u>	
1	11	<u>sixteen years of age .....</u>	<u>\$ 14.50</u>
1	12	<del>e.</del> <u>f.</u> Deer hunting license, antlered	
1	13	or any sex deer .....	\$220.00
1	14	<del>f.</del> <u>g.</u> Deer hunting license, antlerless	
1	15	deer only, required with the purchase of	
1	16	an antlered or any sex deer hunting license .....	\$100.00
1	17	<del>g.</del> <u>h.</u> Deer hunting license, antlerless	
1	18	deer only .....	\$150.00
1	19	<del>h.</del> <u>i.</u> Wild turkey hunting license .....	\$100.00
1	20	<del>i.</del> <u>j.</u> Fur harvester license .....	\$200.00
1	21	<del>j.</del> <u>k.</u> Fur dealer license .....	\$501.00
1	22	<del>k.</del> <u>l.</u> Location permit for fur dealers .....	\$ 56.00
1	23	<del>l.</del> <u>m.</u> Aquaculture unit license .....	\$ 56.00
1	24	<del>m.</del> <u>n.</u> Retail bait dealer license .....	\$125.00
1	25	or the amount for the same type of	
1	26	license in the nonresident's state,	
1	27	whichever is greater	
1	28	<del>n.</del> <u>o.</u> Trout fishing fee .....	\$ 13.00
1	29	<del>o.</del> <u>p.</u> Game breeder license .....	\$ 26.00
1	30	<del>p.</del> <u>q.</u> Taxidermy license .....	\$ 26.00
1	31	<del>q.</del> <u>r.</u> Falconry license .....	\$ 26.00
1	32	<del>r.</del> <u>s.</u> Wildlife habitat fee .....	\$ 8.00
1	33	<del>s.</del> <u>t.</u> Migratory game bird fee .....	\$ 8.00
1	34	<del>t.</del> <u>u.</u> Fishing license, three=day .....	\$ 15.50
1	35	<del>u.</del> <u>v.</u> Wholesale bait dealer license .....	\$250.00





**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 423 - Introduced continued

3 1 approved by the minor's parent or guardian, who possesses a  
3 2 valid hunting license. The minor must purchase a deer hunting  
3 3 license to hunt deer or a wild turkey hunting license to hunt  
3 4 wild turkey.  
3 5 LSB 2145HH 82  
3 6 av:nh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**House File 424 - Introduced**

HOUSE FILE  
BY QUIRK

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the assignment of health care coverage
- 2 benefits.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1726HH 82
- 5 av/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 424 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.23 ASSIGNMENT OF HEALTH  
1 2 CARE COVERAGE BENEFITS.  
1 3 1. A carrier as defined in section 513B.2; an organized  
1 4 delivery system authorized under 1993 Iowa Acts, ch. 158, and  
1 5 licensed by the director of public health; or a plan  
1 6 established pursuant to chapter 509A for public employees,  
1 7 shall not do either of the following:  
1 8 a. Prohibit the assignment of health care coverage  
1 9 benefits to a health care provider by a covered individual.  
1 10 b. Refuse to directly reimburse a health care provider  
1 11 pursuant to a valid assignment of health care coverage  
1 12 benefits after receipt of written notice of the assignment.  
1 13 2. An assignment of benefits as described in this section  
1 14 shall not affect or limit the payment of benefits otherwise  
1 15 payable under a health care benefit contract, policy, or plan  
1 16 and a covered individual shall not be otherwise penalized for  
1 17 making such an assignment of benefits.  
1 18 3. A payment of benefits made under a health care benefit  
1 19 contract, policy, or plan prior to receipt of written notice  
1 20 of assignment of the benefits shall be without prejudice to  
1 21 the payor. This section shall not be construed to prevent the  
1 22 reconciliation of erroneous or duplicate payments made.  
1 23 4. For the purposes of this section, unless the context  
1 24 otherwise requires:  
1 25 a. "Assignment of benefits" means the transfer of health  
1 26 care coverage reimbursement benefits or other rights under an  
1 27 insurance contract, policy, or plan by a covered individual to  
1 28 a health care provider.  
1 29 b. "Health care provider" means a hospital licensed  
1 30 pursuant to chapter 135B, a person licensed under chapter 148,  
1 31 148A, 148C, 149, 150, 150A, 151, or 154, or a person licensed  
1 32 as an advanced registered nurse practitioner under chapter  
1 33 152.

1 34 EXPLANATION  
1 35 This bill prohibits a health insurance carrier, organized



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 424 - Introduced continued

2 1 delivery system, or health insurance plan for public employees  
2 2 from refusing to allow a covered individual to assign payment  
2 3 of health care coverage benefits to a health care provider or  
2 4 from refusing to directly reimburse a health care provider  
2 5 pursuant to a valid assignment of such benefits upon receipt  
2 6 of written notice of the assignment.  
2 7 LSB 1726HH 82  
2 8 av:nh/je/5



Iowa General Assembly  
 Daily Bills, Amendments & Study Bills  
 February 19, 2007

**House File 425 - Introduced**

HOUSE FILE  
 BY COMMITTEE ON VETERANS  
 AFFAIRS

(SUCCESSOR TO HF 124)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
 Approved

**A BILL FOR**

- 1 An Act creating a Vietnam Conflict veterans bonus for a certain
- 2 period of active duty military service, making an
- 3 appropriation, and providing a tax exemption and a penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1196HV 82
- 6 ec/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 425 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.8, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 5. a. The executive director shall  
1 4 provide for the administration of the bonus authorized in this  
1 5 subsection. The commission shall adopt rules, pursuant to  
1 6 chapter 17A, as necessary to administer this subsection  
1 7 including but not limited to application procedures,  
1 8 investigation, approval or disapproval, and payment of claims.

1 9 b. (1) A person who served on active duty for not less  
1 10 than one hundred twenty days in the armed forces of the United  
1 11 States at any time between July 1, 1973, and May 31, 1975,  
1 12 both dates inclusive, and who at the time of entering into  
1 13 active duty service was a legal resident of the state of Iowa,  
1 14 and who had maintained the person's residence in this state  
1 15 for a period of at least six months immediately before  
1 16 entering into active duty service, and was honorably  
1 17 discharged or separated from active duty service, or is still  
1 18 in active service in an honorable status, or has been retired,  
1 19 or has been furloughed to a reserve, or has been placed on  
1 20 inactive status is entitled to receive from moneys  
1 21 appropriated for that purpose the sum of seventeen dollars and  
1 22 fifty cents for each month that the person was on active duty  
1 23 service in the Vietnam service area, within the dates  
1 24 specified in this subparagraph, if the veteran earned either a  
1 25 Vietnam service medal or an armed forces expeditionary medal=  
1 26 Vietnam or can otherwise establish service in the Vietnam  
1 27 service area during that period. Compensation under this  
1 28 subparagraph shall not exceed a total sum of five hundred  
1 29 dollars. Compensation for a fraction of a month shall not be  
1 30 considered unless the fraction is sixteen days or more, in  
1 31 which case the fraction shall be computed as a full month.

1 32 (2) A person otherwise qualified under this paragraph "b"  
1 33 except that the person did not earn either a Vietnam service  
1 34 medal or an armed forces expeditionary medal=Vietnam, and did  
1 35 not serve in the Vietnam service area during the period



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

House File 425 - Introduced continued

2 1 between July 1, 1973, and May 31, 1975, both dates inclusive,  
2 2 is entitled to receive from moneys appropriated for that  
2 3 purpose the sum of twelve dollars and fifty cents for each  
2 4 month that the person was on active duty service, within the  
2 5 dates specified in subparagraph (1). Compensation under this  
2 6 subparagraph shall not exceed a total sum of three hundred  
2 7 dollars. Compensation for a fraction of a month shall not be  
2 8 considered unless the fraction is sixteen days or more, in  
2 9 which case the fraction shall be computed as a full month.

2 10 (3) A person is not entitled to compensation pursuant to  
2 11 this subsection if the person received a bonus or compensation  
2 12 similar to that provided in this subsection from another  
2 13 state.

2 14 (4) A person is not entitled to compensation pursuant to  
2 15 this subsection if the person was on active duty service after  
2 16 July 1, 1973, and the person refused on conscientious,  
2 17 political, religious, or other grounds, to be subject to  
2 18 military discipline.

2 19 (5) The surviving unremarried widow or widower, child or  
2 20 children, mother, father, or person standing in loco parentis,  
2 21 in the order named and none other, of any deceased person  
2 22 shall be paid the compensation that the deceased person would  
2 23 be entitled to pursuant to this subsection, if living.

2 24 However, if any person has died or shall die, or is disabled,  
2 25 from service-connected causes incurred during the period and  
2 26 in the area from which the person is entitled to receive  
2 27 compensation pursuant to this subsection, the person or the  
2 28 first survivor as designated by this subparagraph, and in the  
2 29 order named, shall be paid five hundred dollars or three  
2 30 hundred dollars, whichever maximum amount would have applied  
2 31 pursuant to subparagraph (1) or (2), regardless of the length  
2 32 of service.

2 33 c. A person who knowingly makes a false statement relating  
2 34 to a material fact in supporting an application under this  
2 35 subsection is guilty of a serious misdemeanor. A person



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 425 - Introduced continued

3 1 convicted pursuant to this subsection shall forfeit all  
3 2 benefits to which the person may have been entitled under this  
3 3 subsection.

3 4 d. All payments and allowances made under this subsection  
3 5 shall be exempt from taxation, levy, and sale on execution.

3 6 e. The bonus compensation authorized under this subsection  
3 7 shall be paid from moneys appropriated for that purpose.

3 8 f. A Vietnam Conflict veterans bonus fund is created in  
3 9 the state treasury. The Vietnam Conflict veterans bonus fund  
3 10 shall consist of all moneys appropriated to the fund to pay  
3 11 the bonus compensation authorized in this subsection.

3 12 Notwithstanding section 12C.7, interest or earnings on  
3 13 investments or time deposits of the moneys in the Vietnam  
3 14 Conflict veterans bonus fund shall be credited to the bonus  
3 15 fund. Section 8.33 does not apply to moneys appropriated to  
3 16 the Vietnam Conflict veterans bonus fund.

3 17 Sec. 2. VIETNAM CONFLICT VETERANS BONUS FUND  
3 18 APPROPRIATION. There is appropriated from the general fund of  
3 19 the state to the department of veterans affairs for the fiscal  
3 20 year beginning July 1, 2007, and ending June 30, 2008, the  
3 21 following amount, or so much thereof as is necessary, to be  
3 22 used for the purpose designated:

3 23 For deposit in the Vietnam Conflict veterans bonus fund:  
3 24 ..... \$ 500,000

EXPLANATION

3 26 This bill creates a Vietnam Conflict veterans bonus for  
3 27 persons who served on active duty in the United States armed  
3 28 forces from July 1, 1973, through May 31, 1975. Eligible  
3 29 persons may receive \$17.50 for each month that the person was  
3 30 on active duty in the Vietnam service area, within the dates  
3 31 specified, not to exceed a total sum of \$500. Persons who  
3 32 served on active duty during the specified period but not in  
3 33 the Vietnam service area may receive \$12.50 per month, not to  
3 34 exceed \$300. The bonus payments are exempt from taxation,  
3 35 levy, and execution. A criminal penalty is provided for a



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 425 - Introduced continued

4 1 submission of a fraudulent application for the bonus. The  
4 2 bill also appropriates \$500,000 to the Vietnam Conflict  
4 3 veterans bonus fund created in the bill.  
4 4 LSB 1196HV 82  
4 5 ec:nh/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 426 - Introduced

HOUSE FILE  
BY WHITAKER and ARNOLD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act allowing certain landowners and their tenants to use  
2 certain wild turkey hunting licenses during all spring wild  
3 turkey hunting seasons.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2391HH 82  
6 av/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 426 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.24, subsection 2, paragraph b,  
1 2 Code 2007, is amended to read as follows:  
1 3 b. Upon written application on forms furnished by the  
1 4 department, the department shall issue annually without fee  
1 5 one wild turkey hunting license to the owner of a farm unit or  
1 6 to a member of the owner's family, but not to both, and to the  
1 7 tenant or to a member of the tenant's family, but not to both.  
1 8 The wild turkey hunting ~~license~~ licenses issued shall be valid  
1 9 only on the farm unit for which an applicant qualifies  
1 10 pursuant to this subsection and ~~shall be equivalent to the~~  
~~1 11 least restrictive license issued under section 481A.38.~~ The  
1 12 owner or the tenant need not reside on the farm unit to  
1 13 qualify for a free license to hunt on that farm unit. The  
1 14 wild turkey hunting licenses issued for spring seasons  
1 15 pursuant to this paragraph are valid and may be used during  
1 16 all wild turkey hunting seasons established in the spring.

1 17 EXPLANATION

1 18 This bill allows certain owners of a farm unit or their  
1 19 family members and tenants of the farm unit or their family  
1 20 members to use wild turkey hunting licenses issued for the  
1 21 spring and valid only for use on the farm unit, during all  
1 22 wild turkey hunting seasons established in the spring.

1 23 LSB 2391HH 82

1 24 av:nh/es/88.1



Iowa General Assembly  
 Daily Bills, Amendments & Study Bills  
 February 19, 2007

**House File 427 - Introduced**

HOUSE FILE

BY LUKAN, CLUTE, MAY, RAYHONS,  
 BAUDLER, and DEYOE

Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
           Approved

Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act adding one-half unit of personal finance literacy to the  
 2 education program school districts and accredited nonpublic  
 3 schools must offer in grades nine through twelve and providing  
 4 a future effective date.  
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 6 TLSB 2286HH 82  
 7 rn/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 427 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.11, subsection 5, Code 2007, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. k. One-half unit of personal finance  
1 4 literacy, the curriculum of which shall include but not be  
1 5 limited to the use of common banking instruments such as  
1 6 checking accounts; credit; debit cards; compound interest;  
1 7 mortgage, auto, and personal loans; investment basics,  
1 8 including stocks, bonds, and index funds; credit scores;  
1 9 budgeting; saving and debt management; retirement planning and  
1 10 savings; and insurance. All students shall complete at least  
1 11 one-half unit of personal finance literacy as a condition of  
1 12 graduation.

1 13 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance  
1 14 with section 25B.2, subsection 3, the state cost of requiring  
1 15 compliance with any state mandate included in this Act shall  
1 16 be paid by a school district from state school foundation aid  
1 17 received by the school district under section 257.16. This  
1 18 specification of the payment of the state cost shall be deemed  
1 19 to meet all the state funding-related requirements of section  
1 20 25B.2, subsection 3, and no additional state funding shall be  
1 21 necessary for the full implementation of this Act by and  
1 22 enforcement of this Act against all affected school districts.

1 23 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1,  
1 24 2008.

1 25 EXPLANATION

1 26 This bill adds a one-half unit course in personal finance  
1 27 literacy to the educational program each school district and  
1 28 accredited nonpublic school is required to offer in grades  
1 29 nine through 12, and requires all students to take the course  
1 30 as a condition of graduation. The personal finance curriculum  
1 31 includes the use of common banking instruments such as  
1 32 checking accounts; credit; debit cards; compound interest;  
1 33 mortgage, auto, and personal loans; investment basics  
1 34 including stocks, bonds, and index funds; credit scores;  
1 35 budgeting; saving and debt management; retirement planning and



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House File 427 - Introduced continued

2 1 savings; and insurance.  
2 2     The bill may include a state mandate as defined in Code  
2 3 section 25B.3. The bill requires that the state cost of any  
2 4 state mandate included in the bill be paid by a school  
2 5 district from state school foundation aid received by the  
2 6 school district under Code section 257.16. The specification  
2 7 is deemed to constitute state compliance with any state  
2 8 mandate funding-related requirements of Code section 25B.2.  
2 9 The inclusion of this specification is intended to reinstate  
2 10 the requirement of political subdivisions to comply with any  
2 11 state mandates included in the bill.  
2 12     The bill takes effect July 1, 2008.  
2 13 LSB 2286HH 82  
2 14 rn:nh/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 428 - Introduced

HOUSE FILE  
BY WENDT

(COMPANION TO SF 157)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

- 1 An Act relating to a name change by a person required to register
- 2 as a sex offender, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1915YH 82
- 5 jm/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 428 - Introduced continued

PAG LIN

1 1 Section 1. Section 595.3A, Code 2007, is amended to read  
1 2 as follows:

1 3 595.3A APPLICATION FORM AND LICENSE == ABUSE PREVENTION  
1 4 ~~LANGUAGE AND SEX OFFENDER INFORMATION.~~

1 5 1. In addition to any other information contained in an  
1 6 application form for a marriage license and a marriage  
1 7 license, the application form and license shall contain the  
1 8 following statement in bold print:

1 9 "THE LAWS OF THIS STATE AFFIRM YOUR RIGHT TO ENTER INTO  
1 10 THIS MARRIAGE AND AT THE SAME TIME TO LIVE WITHIN THE MARRIAGE  
1 11 UNDER THE FULL PROTECTION OF THE LAWS OF THIS STATE WITH  
1 12 REGARD TO VIOLENCE AND ABUSE. NEITHER OF YOU IS THE PROPERTY  
1 13 OF THE OTHER. ASSAULT, SEXUAL ABUSE, AND WILLFUL INJURY OF A  
1 14 SPOUSE OR OTHER FAMILY MEMBER ARE VIOLATIONS OF THE LAWS OF  
1 15 THIS STATE AND ARE PUNISHABLE BY THE STATE."

1 16 2. The application form for a marriage shall also contain  
1 17 a question about whether any of the parties are required to  
1 18 register as a sex offender under chapter 692A.

1 19 Sec. 2. Section 595.5, Code 2007, is amended by adding the  
1 20 following new subsection:

1 21 NEW SUBSECTION. 1A. If a party to a marriage discloses  
1 22 the person is required to register as a sex offender under  
1 23 chapter 692A, and the person required to register as a sex  
1 24 offender requests a name change, the clerk of the district  
1 25 court shall deliver a certified copy of the marriage license  
1 26 to the department of public safety for entry of the name  
1 27 change into the sex offender registry.

1 28 Sec. 3. NEW SECTION. 595.8 FAILURE TO DISCLOSE SEX  
1 29 OFFENDER REGISTRATION INFORMATION == PENALTY.

1 30 A party to a marriage commits an aggravated misdemeanor if  
1 31 the party knowingly fails to disclose on the application form  
1 32 for marriage as provided in section 595.3A that the party is  
1 33 required to register as a sex offender under chapter 692A.

1 34 Sec. 4. Section 598.37, Code 2007, is amended to read as  
1 35 follows:



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 428 - Introduced continued

2 1 598.37 NAME CHANGE.

2 2 ~~Either~~ Except as otherwise provided in this section, either  
2 3 party to a marriage may request as a part of the decree of  
2 4 dissolution or decree of annulment a change in the person's  
2 5 name to either the name appearing on the person's birth  
2 6 certificate or to the name the person had immediately prior to  
2 7 the marriage. If a party requests a name change other than to  
2 8 the name appearing on the person's birth certificate, or to  
2 9 the name the person had immediately prior to the marriage, or  
2 10 the person is required to register as a sex offender under  
2 11 chapter 692A, the request shall be made under chapter 674.

2 12 Sec. 5. Section 600.6, Code 2007, is amended by adding the  
2 13 following new subsection:

2 14 NEW SUBSECTION. 6. If the person to be adopted is an  
2 15 adult and is required to register as a sex offender under  
2 16 chapter 692A, a written statement by the person to be adopted  
2 17 declaring the person is required to register as a sex offender  
2 18 under chapter 692A.

2 19 Sec. 6. Section 600.13, subsection 5, Code 2007, is  
2 20 amended to read as follows:

2 21 5. An interlocutory or a final adoption decree shall be  
2 22 entered with the clerk of court. Such decree shall set forth  
2 23 any facts of the adoption petition which have been proven to  
2 24 the satisfaction of the juvenile court or court and any other  
2 25 facts considered to be relevant by the juvenile court or court  
2 26 and shall grant the adoption petition. If so designated in  
2 27 the adoption decree, the name of the adopted person shall be  
2 28 changed by issuance of that decree. The clerk of ~~the~~ court  
2 29 shall, within thirty days of issuance, deliver one certified  
2 30 copy of any adoption decree to the petitioner, one copy of any  
2 31 adoption decree to the department and any agency or person  
2 32 making an independent placement who placed a minor person for  
2 33 adoption, and one certification of adoption as prescribed in  
2 34 section 144.19 to the state registrar of vital statistics. If  
2 35 the adopted person is an adult and the adopted person



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 428 - Introduced continued

3 1 discloses the person is required to register as a sex offender  
3 2 under chapter 692A, and the name of the adopted person is  
3 3 changed in the decree, the clerk of court shall deliver one  
3 4 certified copy of the adoption decree to the department of  
3 5 public safety for entry of the name change into the sex  
3 6 offender registry. Upon receipt of the certification, the  
3 7 state registrar shall prepare a new birth certificate pursuant  
3 8 to section 144.23 and deliver to the parents named in the  
3 9 decree and any adult person adopted by the decree a copy of  
3 10 the new birth certificate. The parents shall pay the fee  
3 11 prescribed in section 144.46. If the person adopted was born  
3 12 outside this state but in the United States, the state  
3 13 registrar shall forward the certification of adoption to the  
3 14 appropriate agency in the state of birth. A copy of any  
3 15 interlocutory adoption decree vacation shall be delivered and  
3 16 another birth certificate shall be prepared in the same manner  
3 17 as a certification of adoption is delivered and the birth  
3 18 certificate was originally prepared.  
3 19 Sec. 7. NEW SECTION. 600.26 FAILURE TO DISCLOSE SEX  
3 20 OFFENDER REGISTRATION INFORMATION == PENALTY.  
3 21 An adult adopted person, or adult person to be adopted,  
3 22 commits an aggravated misdemeanor if the person knowingly  
3 23 fails to disclose the person is required to register as a sex  
3 24 offender under chapter 692A through a written statement  
3 25 attached to the petition pursuant to section 600.6.  
3 26 Sec. 8. Section 674.2, Code 2007, is amended by adding the  
3 27 following new subsection:  
3 28 NEW SUBSECTION. 4A. Whether the petitioner is required to  
3 29 register as a sex offender under chapter 692A.  
3 30 Sec. 9. NEW SECTION. 674.7A COPY TO DEPARTMENT OF PUBLIC  
3 31 SAFETY.  
3 32 When the court grants a decree of change of name and the  
3 33 petitioner is required to register as a sex offender under  
3 34 chapter 692A, the clerk of court shall furnish a certified  
3 35 copy of the decree to the department of public safety for



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 428 - Introduced continued

4 1 entry of the name change into the sex offender registry as  
4 2 provided in chapter 692A.  
4 3 Sec. 10. NEW SECTION. 674.15 FAILURE TO DISCLOSE SEX  
4 4 OFFENDER REGISTRATION INFORMATION == PENALTY.  
4 5 A person commits an aggravated misdemeanor if the person  
4 6 petitions the court seeking a name change as provided in this  
4 7 chapter and the person knowingly fails to disclose in the  
4 8 petition that the person is required to register as a sex  
4 9 offender under chapter 692A.

4 10 Sec. 11. Section 692A.3, Code 2007, is amended by adding  
4 11 the following new subsection:

4 12 NEW SUBSECTION. 6. The fact that the clerk of the  
4 13 district court is forwarding name change information to the  
4 14 department pursuant to section 595.5, 600.13, or 674.7A, does  
4 15 not alleviate the responsibility of a person required to  
4 16 register under this chapter to notify the sheriff of a name  
4 17 change as provided in this section.

4 18 EXPLANATION

4 19 This bill relates to a name change by a person required to  
4 20 register as a sex offender.

4 21 The bill requires the application form for a marriage to  
4 22 contain a question about whether any of the parties to the  
4 23 marriage are required to register as a sex offender. If a  
4 24 party to the marriage discloses the person is required to  
4 25 register as a sex offender on the marriage application form  
4 26 and the person required to register requests a name change,  
4 27 the clerk of the district court shall send a certified copy of  
4 28 the marriage license to the department of public safety for  
4 29 entry of the name change into the sex offender registry.

4 30 The bill is also applicable to a name change pursuant to a  
4 31 dissolution of marriage under Code section 598.37.

4 32 If an adult person to be adopted is required to register as  
4 33 a sex offender and also requests a name change, the bill  
4 34 requires a written statement prepared by the person to be  
4 35 adopted that is attached to the adoption petition declaring



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House File 428 - Introduced continued

5 1 the adult person to be adopted is required to register as a  
5 2 sex offender. Upon final issuance of the adoption decree, the  
5 3 bill requires the clerk of the district court to send a  
5 4 certified copy of the adoption decree to the department of  
5 5 public safety for entry of the name change into the sex  
5 6 offender registry.

5 7 If a person petitions the court to change the person's name  
5 8 under Code chapter 674, and the person is required to register  
5 9 as a sex offender, the bill requires the person to state in  
5 10 the petition that the person is required to register as a sex  
5 11 offender.

5 12 If the court grants a decree of name change for a person  
5 13 required to register as a sex offender, the bill requires the  
5 14 clerk of the district court to send a certified copy of the  
5 15 decree of name change to the department of public safety for  
5 16 entry into the sex offender registry.

5 17 A person required to register as a sex offender who  
5 18 violates the bill commits an aggravated misdemeanor.

5 19 The bill does not alleviate the responsibility of a sex  
5 20 offender to notify the sheriff of a name change as provided in  
5 21 Code section 692A.3. A person who fails to notify the sheriff  
5 22 of a name change, commits an aggravated misdemeanor pursuant  
5 23 to Code section 692A.7 for a first offense and a class "D"  
5 24 felony for a second or subsequent offense.

5 25 An aggravated misdemeanor is punishable by confinement for  
5 26 no more than two years and a fine of at least \$625 but not  
5 27 more than \$6,250. A class "D" felony is punishable by  
5 28 confinement for no more than five years and a fine of at least  
5 29 \$750 but not more than \$7,500.

5 30 LSB 1915YH 82

5 31 jm:nh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House Study Bill 202

SENATE/HOUSE FILE

BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY JOINT  
APPROPRIATIONS SUBCOMMITTEE ON  
TRANSPORTATION, INFRASTRUCTURE,  
AND CAPITALS)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to and making transportation and other
- 2 infrastructure-related appropriations to the department of
- 3 transportation, including allocation and use of moneys from
- 4 the road use tax fund and the primary road fund.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1133JB 82
- 7 dea/gg/14



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House Study Bill 202 continued

PAG LIN

1 1 Section 1. ROAD USE TAX FUND. There is appropriated from  
 1 2 the road use tax fund to the department of transportation for  
 1 3 the fiscal year beginning July 1, 2007, and ending June 30,  
 1 4 2008, the following amounts, or so much thereof as is  
 1 5 necessary, for the purposes designated:  
 1 6 1. For the payment of costs associated with the production  
 1 7 of driver's licenses, as defined in section 321.1, subsection  
 1 8 20A:  
 1 9 ..... \$ 3,047,000  
 1 10 Notwithstanding section 8.33, unencumbered or unobligated  
 1 11 funds remaining on June 30, 2008, from the appropriation made  
 1 12 in this subsection shall not revert, but shall remain  
 1 13 available for subsequent fiscal years for the purposes  
 1 14 specified in this subsection.  
 1 15 2. For salaries, support, maintenance, and miscellaneous  
 1 16 purposes:  
 1 17 a. Operations:  
 1 18 ..... \$ 6,237,000  
 1 19 b. Planning:  
 1 20 ..... \$ 470,000  
 1 21 c. Motor vehicles:  
 1 22 ..... \$ 33,347,113  
 1 23 3. For payments to the department of administrative  
 1 24 services for utility services:  
 1 25 ..... \$ 145,000  
 1 26 4. Unemployment compensation:  
 1 27 ..... \$ 17,000  
 1 28 5. For payments to the department of administrative  
 1 29 services for paying workers' compensation claims under chapter  
 1 30 85 on behalf of employees of the department of transportation:  
 1 31 ..... \$ 108,000  
 1 32 6. For payment to the general fund of the state for  
 1 33 indirect cost recoveries:  
 1 34 ..... \$ 102,000  
 1 35 7. For reimbursement to the auditor of state for audit



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House Study Bill 202 continued

2 1 expenses as provided in section 11.5B:  
 2 2 ..... \$ 60,988  
 2 3 8. For automation, telecommunications, and related costs  
 2 4 associated with the county issuance of driver's licenses and  
 2 5 vehicle registrations and titles:  
 2 6 ..... \$ 1,832,000  
 2 7 9. For transfer to the department of public safety for  
 2 8 operating a system providing toll-free telephone road and  
 2 9 weather conditions information:  
 2 10 ..... \$ 100,000  
 2 11 10. For costs associated with the participation in the  
 2 12 Mississippi river parkway commission:  
 2 13 ..... \$ 40,000  
 2 14 11. For membership in the North America's superhighway  
 2 15 corridor coalition:  
 2 16 ..... \$ 50,000  
 2 17 12. For scale maintenance projects at various locations:  
 2 18 ..... \$ 100,000  
 2 19 Notwithstanding section 8.33, moneys appropriated in this  
 2 20 subsection that remain unencumbered or unobligated at the  
 2 21 close of the fiscal year shall not revert but shall remain  
 2 22 available for expenditure for the purposes designated until  
 2 23 the close of the fiscal year that begins July 1, 2010.  
 2 24 13. For development of an international registration plan  
 2 25 and international fuel tax administration system:  
 2 26 ..... \$ 1,000,000  
 2 27 Notwithstanding section 8.33, moneys appropriated in this  
 2 28 subsection that remain unencumbered or unobligated at the  
 2 29 close of the fiscal year shall not revert but shall remain  
 2 30 available for expenditure for the purposes designated until  
 2 31 the close of the fiscal year that begins July 1, 2009.  
 2 32 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the  
 2 33 primary road fund to the department of transportation for the  
 2 34 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
 2 35 the following amounts, or so much thereof as is necessary, to



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House Study Bill 202 continued

3 1 be used for the purposes designated:  
 3 2 1. For salaries, support, maintenance, and miscellaneous  
 3 3 purposes and for not more than the following full-time  
 3 4 equivalent positions:  
 3 5 a. Operations:  
 3 6 ..... \$ 38,311,652  
 3 7 ..... FTEs 305.00  
 3 8 b. Planning:  
 3 9 ..... \$ 8,920,908  
 3 10 ..... FTEs 132.00  
 3 11 c. Highways:  
 3 12 ..... \$209,436,880  
 3 13 ..... FTEs 2,454.00  
 3 14 d. Motor vehicles:  
 3 15 ..... \$ 1,384,000  
 3 16 ..... FTEs 483.00  
 3 17 2. For payments to the department of administrative  
 3 18 services for utility services:  
 3 19 ..... \$ 888,000  
 3 20 3. Unemployment compensation:  
 3 21 ..... \$ 328,000  
 3 22 4. For payments to the department of administrative  
 3 23 services for paying workers' compensation claims under chapter  
 3 24 85 on behalf of the employees of the department of  
 3 25 transportation:  
 3 26 ..... \$ 2,592,000  
 3 27 5. For disposal of hazardous wastes from field locations  
 3 28 and the central complex:  
 3 29 ..... \$ 800,000  
 3 30 6. For payment to the general fund for indirect cost  
 3 31 recoveries:  
 3 32 ..... \$ 748,000  
 3 33 7. For reimbursement to the auditor of state for audit  
 3 34 expenses as provided in section 11.5B:  
 3 35 ..... \$ 376,212



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House Study Bill 202 continued

4 1     8. For costs associated with producing transportation  
 4 2 maps:  
 4 3 ..... \$     242,000  
 4 4     9. For inventory and equipment replacement:  
 4 5 ..... \$   2,250,000  
 4 6     10. For utility improvements at various locations:  
 4 7 ..... \$     400,000  
 4 8     11. For garage roofing projects at various locations:  
 4 9 ..... \$     100,000  
 4 10    12. For heating, cooling, and exhaust system improvements  
 4 11 at various locations:  
 4 12 ..... \$     100,000  
 4 13    13. For deferred maintenance projects at field facilities  
 4 14 throughout the state:  
 4 15 ..... \$     351,500  
 4 16    14. For construction of a new Clarinda garage:  
 4 17 ..... \$   2,300,000  
 4 18    15. For federal Americans With Disabilities Act  
 4 19 improvements at various locations:  
 4 20 ..... \$     200,000  
 4 21    16. For elevator upgrades at the Ames complex:  
 4 22 ..... \$     100,000  
 4 23    Notwithstanding section 8.33, moneys appropriated in  
 4 24 subsections 10 through 16 that remain unencumbered or  
 4 25 unobligated at the close of the fiscal year shall not revert  
 4 26 but shall remain available for expenditure for the purposes  
 4 27 designated until the close of the fiscal year that begins July  
 4 28 1, 2010.

EXPLANATION

4 29                                   EXPLANATION  
 4 30     This bill makes and limits appropriations for the 2007=2008  
 4 31 fiscal year from the road use tax fund and the primary road  
 4 32 fund to the department of transportation.  
 4 33     Appropriations from the road use tax fund include  
 4 34 appropriations for driver's license production costs,  
 4 35 salaries, operations, planning, motor vehicles, utility



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House Study Bill 202 continued

5 1 services provided by the department of administrative  
5 2 services, unemployment and workers' compensation, indirect  
5 3 cost recoveries, audits, county issuance of driver's licenses  
5 4 and vehicle registration and titling, a system providing  
5 5 toll-free telephone road and weather reports, participation in  
5 6 the Mississippi river parkway commission, membership in the  
5 7 North America's superhighway corridor coalition, scale  
5 8 maintenance projects, and development of an international  
5 9 registration plan and international fuel tax administration  
5 10 system.  
5 11 Appropriations from the primary road fund include  
5 12 appropriations for salaries, operations, planning, highways,  
5 13 motor vehicles, utility services provided by the department of  
5 14 administrative services, unemployment and workers'  
5 15 compensation, hazardous waste disposal, indirect cost  
5 16 recoveries, audits, production of transportation maps,  
5 17 inventory and equipment replacement, utility projects, garage  
5 18 roofing, heating and cooling improvements, deferred  
5 19 maintenance at field facilities, replacement of the Clarinda  
5 20 garage, various Americans With Disabilities Act improvements,  
5 21 and elevator upgrades at the Ames complex.  
5 22 LSB 1133JB 82  
5 23 dea:mg/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House Study Bill 203

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 concerning the recognition and enforcement of civil  
2 judgments, orders, and decrees issued by a tribal court of a  
3 federally recognized Indian tribe and including an  
4 applicability provision.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2163HC 82  
7 rh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House Study Bill 203 continued

PAG LIN

1 1 Section 1. NEW SECTION. 626D.1 TITLE.  
1 2 This chapter may be cited as the "Recognition and  
1 3 Enforcement of Tribal Court Civil Judgments Act".  
1 4 Sec. 2. NEW SECTION. 626D.2 RECOGNITION AND ENFORCEMENT  
1 5 OF TRIBAL COURT CIVIL JUDGMENT, ORDER, OR DECREE.  
1 6 A civil judgment, order, or decree issued by a tribal court  
1 7 of a federally recognized Indian tribe in this state may be  
1 8 enforced in a court in this state in the same manner and to  
1 9 the same extent as a civil judgment, order, or decree of any  
1 10 court of a sister state which is entitled to full faith and  
1 11 credit in this state, only if all of the following conditions  
1 12 are established by the federally recognized Indian tribe by  
1 13 clear and convincing evidence:  
1 14 1. The federally recognized Indian tribe that created the  
1 15 tribal court is organized under 25 U.S.C. } 461 et seq.  
1 16 2. The tribal documents meet the authentication  
1 17 requirements of section 626D.3.  
1 18 3. The tribal court is a court of record pursuant to  
1 19 section 626D.4.  
1 20 4. The tribal court judgment, order, or decree was  
1 21 rendered under a judicial system that provides impartial  
1 22 tribunals or procedures compatible with due process of law.  
1 23 5. The tribal court judgment, order, or decree is a valid  
1 24 judgment, order, or decree pursuant to section 626D.5.  
1 25 Sec. 3. NEW SECTION. 626D.3 AUTHENTICATION REQUIREMENTS.  
1 26 To qualify for admission as evidence in the courts of this  
1 27 state, tribal documents of a federally recognized Indian tribe  
1 28 shall be authenticated as follows:  
1 29 1. Copies of the acts of the tribal legislative body shall  
1 30 be authenticated in accordance with the laws of the federally  
1 31 recognized Indian tribe and attested to by the appropriate  
1 32 tribal secretary.  
1 33 2. Copies of records, judgments, orders, and decrees of  
1 34 the tribal court shall be authenticated by the attestation of  
1 35 the clerk of court. The seal, if any, of the court shall be



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House Study Bill 203 continued

2 1 affixed to the attestation.  
2 2 Sec. 4. NEW SECTION. 626D.4 COURT OF RECORD ==  
2 3 DETERMINATION.  
2 4 In determining whether a tribal court of a federally  
2 5 recognized Indian tribe is a court of record, the court shall  
2 6 determine all of the following:  
2 7 1. The tribal court keeps a permanent record of all  
2 8 proceedings.  
2 9 2. A transcript or an electronic recording of the  
2 10 proceeding at issue in the tribal court is available.  
2 11 3. A final judgment of the tribal court is reviewable by a  
2 12 tribal appellate court or other superior court.  
2 13 4. The tribal court has authority to enforce the tribal  
2 14 court's orders through contempt proceedings.  
2 15 Sec. 5. NEW SECTION. 626D.5 VALIDITY OF TRIBAL COURT  
2 16 CIVIL ORDER, JUDGMENT, OR DECREE.  
2 17 In determining whether a tribal court civil judgment,  
2 18 order, or decree of a federally recognized Indian tribe is a  
2 19 valid judgment, order, or decree, the court shall examine the  
2 20 tribal court record to assure that all of the following  
2 21 conditions are met:  
2 22 1. The tribal court had jurisdiction of the subject matter  
2 23 and over the person named in the judgment, order, or decree.  
2 24 2. The judgment, order, or decree involves a matter or  
2 25 controversy between any of the following persons:  
2 26 a. The members of the federally recognized Indian tribe.  
2 27 b. The federally recognized Indian tribe and members of  
2 28 the tribe.  
2 29 c. The federally recognized Indian tribe or members of the  
2 30 federally recognized Indian tribe and a nonmember of the tribe  
2 31 who has expressly consented to be subject to the jurisdiction  
2 32 of the federally recognized Indian tribe.  
2 33 3. The judgment, order, or decree is final under the laws  
2 34 of the rendering court.  
2 35 4. The judgment, order, or decree is on the merits.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House Study Bill 203 continued

3 1 5. The judgment, order, or decree was procured without  
3 2 fraud, duress, or coercion.

3 3 6. The judgment, order, or decree was procured in  
3 4 compliance with the procedures required by the rendering  
3 5 court.

3 6 7. The judgment, order, or decree was procured only after  
3 7 sufficient notice and an opportunity for a hearing was allowed  
3 8 on the merits of the cause of action.

3 9 8. The judgment, order, or decree does not conflict with a  
3 10 previous final and conclusive judgment of a court in this  
3 11 state.

3 12 9. The judgment, order, or decree is not contrary to a  
3 13 settlement agreement entered into between the parties prior to  
3 14 the judgment, order, or decree being rendered by the tribal  
3 15 court.

3 16 10. The court proceedings comply with the requirements of  
3 17 the federal Indian Civil Rights Act of 1968, 25 U.S.C. }  
3 18 1301=03.

3 19 11. The cause of action on which the judgment, order, or  
3 20 decree was based and the judgment, order, or decree are not  
3 21 inconsistent with any law of this state or repugnant to the  
3 22 public policy of this state.

3 23 Sec. 6. NEW SECTION. 626D.6 EFFECT OF LIEN OR  
3 24 ATTACHMENT.

3 25 A lien or attachment based upon a tribal court civil  
3 26 judgment, order, or decree of a federally recognized Indian  
3 27 tribe shall not be filed, entered in the judgment and lien  
3 28 docket, or recorded in this state against the real or personal  
3 29 property of any person unless the judgment, order, or decree  
3 30 has been recognized as valid by a court of this state pursuant  
3 31 to section 626D.5.

3 32 Sec. 7. APPLICABILITY. A tribal court civil judgment,  
3 33 order, or decree of a federally recognized Indian tribe is  
3 34 enforceable in the courts of this state only if the underlying  
3 35 cause of action accrued on or after the date of the



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House Study Bill 203 continued

4 1 establishment of the tribal court of the federally recognized  
4 2 Indian tribe and only if the tribal court civil judgment,  
4 3 order, or decree was entered on or after the effective date of  
4 4 this Act. This Act shall not be construed to expand or limit  
4 5 the jurisdiction of the state of Iowa or any federally  
4 6 recognized Indian tribe in this state.

4 7 EXPLANATION

4 8 This bill creates new Code chapter 626D relating to the  
4 9 recognition and enforcement of civil judgments, orders, and  
4 10 decrees issued by a tribal court of a federally recognized  
4 11 Indian tribe.

4 12 The bill provides that a civil judgment, order, or decree  
4 13 issued by a tribal court of a federally recognized Indian  
4 14 tribe in this state may be enforced in a court in this state  
4 15 in the same manner and to the same extent as a civil judgment,  
4 16 order, or decree of any court of a sister state which is  
4 17 entitled to full faith and credit in this state, only if  
4 18 certain conditions are established by the federally recognized  
4 19 Indian tribe by clear and convincing evidence, including that  
4 20 the federally recognized Indian tribe that created the tribal  
4 21 court is organized under 25 U.S.C. } 461=479, the tribal  
4 22 documents meet certain authentication requirements established  
4 23 in the bill, the tribal court is a court of record pursuant to  
4 24 the requirements established in the bill, the tribal court  
4 25 judgment, order, or decree was rendered under a judicial  
4 26 system that provides impartial tribunals or procedures  
4 27 compatible with due process of law, and the tribal court  
4 28 judgment, order, or decree is a valid judgment, order, or  
4 29 decree under the requirements established in the bill.

4 30 The bill provides that to qualify for admission as evidence  
4 31 in the courts of this state, copies of the acts of the tribal  
4 32 legislative body shall be authenticated in accordance with the  
4 33 laws of the federally recognized Indian tribe and attested to  
4 34 by the appropriate tribal secretary and copies of records,  
4 35 judgments, orders, and decrees of the tribal court shall be



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

House Study Bill 203 continued

5 1 authenticated by the attestation of the clerk of court.  
5 2     The bill provides that in determining whether a tribal  
5 3 court of a federally recognized Indian tribe is a court of  
5 4 record, the Iowa court shall determine that the tribal court  
5 5 keeps a permanent record of all proceedings, a transcript or  
5 6 an electronic recording of the proceeding at issue in the  
5 7 tribal court is available, a final judgment of the tribal  
5 8 court is reviewable by a tribal appellate court or other  
5 9 superior court, and the tribal court has authority to enforce  
5 10 the tribal court's orders through contempt proceedings.  
5 11     The bill provides that in determining whether a tribal  
5 12 court civil judgment, order, or decree of a federally  
5 13 recognized Indian tribe is a valid judgment, order, or decree,  
5 14 the court shall examine the tribal court record to assure that  
5 15 the tribal court had jurisdiction of the subject matter and  
5 16 over the person named in the judgment, order, or decree; the  
5 17 judgment, order, or decree involves a matter or controversy  
5 18 between the members of the federally recognized Indian tribe,  
5 19 the federally recognized Indian tribe and members of the  
5 20 tribe, or the federally recognized Indian tribe or members of  
5 21 the federally recognized Indian tribe and a nonmember of the  
5 22 tribe who has expressly consented to be subject to the  
5 23 jurisdiction of the federally recognized Indian tribe; the  
5 24 judgment, order, or decree is final under the laws of the  
5 25 rendering court; the judgment, order, or decree is on the  
5 26 merits; the judgment, order, or decree was procured without  
5 27 fraud, duress, or coercion; the judgment, order, or decree was  
5 28 procured in compliance with the procedures required by the  
5 29 rendering court; the judgment, order, or decree was procured  
5 30 only after sufficient notice and an opportunity for a hearing  
5 31 was allowed on the merits of the cause of action; the  
5 32 judgment, order, or decree does not conflict with a previous  
5 33 final and conclusive judgment of an Iowa court; the judgment,  
5 34 order, or decree is not contrary to a settlement agreement  
5 35 entered into between the parties prior to the judgment, order,



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House Study Bill 203 continued

6 1 or decree being rendered by the tribal court; the court  
6 2 proceedings comply with the requirements of the federal Indian  
6 3 Civil Rights Act of 1968; and the cause of action on which the  
6 4 judgment, order, or decree was based and the judgment, order,  
6 5 or decree are not inconsistent with any law of this state or  
6 6 repugnant to the public policy of this state.

6 7 The bill provides that a lien or attachment based upon a  
6 8 tribal court judgment, order, or decree of a federally  
6 9 recognized Indian tribe cannot be filed, entered in the  
6 10 judgment and lien docket, or recorded in this state against  
6 11 the real or personal property of any person unless the  
6 12 judgment, order, or decree has been recognized by an Iowa  
6 13 court pursuant to the requirements of the bill.

6 14 The bill provides that a tribal court civil judgment,  
6 15 order, or decree of a federally recognized Indian tribe is  
6 16 enforceable in the courts of this state only where the cause  
6 17 of action accrued on or after the date of the establishment of  
6 18 a tribal court of a federally recognized Indian tribe and only  
6 19 where the tribal court judgment, order, or decree was entered  
6 20 on or after the effective date of the bill. The bill shall  
6 21 not be construed to expand or limit the jurisdiction of the  
6 22 state of Iowa or any federally recognized Indian tribe in the  
6 23 state.

6 24 LSB 2163HC 82

6 25 rh:rj/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House Study Bill 204

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON JOCHUM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

- 1 An Act allowing a voter to register to vote and to vote after
- 2 regular registration and prior to voting in an election.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2469HC 82
- 5 sc/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House Study Bill 204 continued

PAG LIN

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



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House Study Bill 204 continued

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



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

House Study Bill 204 continued

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 48.7A 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 48.7A, 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



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

House Study Bill 204 continued

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 2469HC 82

4 28 sc:rj/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

## Senate Amendment 3035

PAG LIN

1 1 Amend Senate File 169 as follows:  
1 2 #1. Page 1, line 14, by striking the figure  
1 3 <11,700> and inserting the following: <10,700>.  
1 4  
1 5  
1 6  
1 7 FRANK B. WOOD  
1 8 SF 169.501 82  
1 9 jp/je/6036  
1 10  
1 11  
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Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate Amendment 3036**

PAG LIN

1 1 Amend Senate File 7 as follows:  
1 2 #1. Page 1, line 6, by striking the word  
1 3 <primarily>.  
1 4  
1 5  
1 6  
1 7 TOM HANCOCK  
1 8 SF 7.701 82  
1 9 ec/gg/6989  
1 10  
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Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 200 - Introduced**

SENATE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 14)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

**A BILL FOR**

1 An Act providing for the liability of a landowner of land where  
2 livestock are kept or an owner of adjoining land for erecting  
3 and maintaining a fence, and providing for the assessment of  
4 property taxes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6 TLSB 1290SV 82

7 da/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 200 - Introduced continued

PAG LIN

1 1 Section 1. Section 169C.1, Code 2007, is amended by adding  
1 2 the following new subsections:

1 3 NEW SUBSECTION. 1A. "Fence" means a fence as described in  
1 4 chapter 359A which is lawful and tight as provided in that  
1 5 chapter, including but not limited to a partition fence. For  
1 6 purposes of this chapter, "fence" includes a fence bordering a  
1 7 public road.

1 8 NEW SUBSECTION. 8. "Public road" means a thoroughfare and  
1 9 its right-of-way, whether reserved by public ownership or  
1 10 easement, for use by the traveling public.

1 11 Sec. 2. NEW SECTION. 169C.6 HABITUAL TRESPASS.

1 12 A habitual trespass occurs when livestock trespasses from  
1 13 the land where the livestock are kept onto the land of a  
1 14 neighboring landowner or strays from the livestock owner's  
1 15 control onto a public road, and on three or more separate  
1 16 occasions within the prior twelve-month period the same or  
1 17 different livestock kept on that land have trespassed onto the  
1 18 land of the same neighboring landowner or strayed from the  
1 19 livestock owner's control on the same public road.

1 20 1. The local authority upon its own initiative or upon  
1 21 receipt of a complaint shall determine whether livestock are  
1 22 trespassing or straying from the livestock owner's control on  
1 23 a public road, and make a record of its findings.

1 24 2. a. Once a habitual trespass occurs, a neighboring  
1 25 landowner may request that the responsible landowner of the  
1 26 land where the trespassing or stray livestock are kept erect  
1 27 or maintain a fence on the land. The neighboring landowner  
1 28 shall make the request to the responsible landowner in  
1 29 writing. The responsible landowner may compel an adjacent  
1 30 landowner to contribute to the erection or maintenance of the  
1 31 fence as provided in chapter 359A.

1 32 b. If the responsible landowner does not erect or maintain  
1 33 a fence within thirty days after receiving the request, the  
1 34 neighboring landowner may apply to the fence viewers as  
1 35 provided in chapter 359A as if the matter were a controversy



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 200 - Introduced continued

2 1 between the responsible landowner and an adjacent landowner,  
2 2 and the matter shall be resolved by an order issued by the  
2 3 fence viewers, subject to appeal, as provided in chapter 359A.  
2 4 The neighboring landowner shall be a party to the controversy  
2 5 as if the neighboring party were an adjacent landowner. The  
2 6 neighboring landowner is not liable for erecting or  
2 7 maintaining the fence, unless the neighboring landowner is an  
2 8 adjacent landowner who is otherwise required to make a  
2 9 contribution under chapter 359A.

2 10 3. If the fence is not erected or maintained as required  
2 11 in section 359A.6, and upon the written request of the board  
2 12 of township trustees, the board of supervisors of the county  
2 13 where the fence is to be erected or maintained shall act in  
2 14 the same manner as the board of township trustees under that  
2 15 section, including by erecting or maintaining the fence,  
2 16 ordering payment from a defaulted party, and certifying an  
2 17 amount due to the county auditor. The amount due shall  
2 18 include the total costs required to erect or maintain the  
2 19 fence and a penalty equal to five percent of the total costs.  
2 20 The amount shall be placed upon the tax books, and collected  
2 21 with interest and penalties after due, in the same manner as  
2 22 other unpaid property taxes.

2 23 Sec. 3. NEW SECTION. 359A.22A HABITUAL TRESPASS.

2 24 A landowner of land where livestock are kept or an owner of  
2 25 adjoining land shall be liable to erect or maintain a fence if  
2 26 the livestock trespasses upon the land of a neighboring  
2 27 landowner or strays from the livestock owner's control onto a  
2 28 public road, as provided in section 169C.6.

2 29 EXPLANATION

2 30 This bill amends Code chapter 169C, enacted in 1997, which  
2 31 provides a cause of action to a landowner or a county or city,  
2 32 referred to as a local authority, when livestock is  
2 33 trespassing, or is taken into custody after straying from its  
2 34 owner's control. The Code chapter provides that a landowner  
2 35 or local authority may take custody of livestock if the



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 200 - Introduced continued

3 1 livestock trespasses upon the landowner's land or strays on a  
3 2 public road which adjoins the landowner's land, and may bring  
3 3 a civil action against the livestock owner for damages caused  
3 4 by the livestock and costs associated with the trespass or  
3 5 custody.

3 6 The bill provides for habitual trespass when livestock  
3 7 trespass from the land where the livestock are kept onto the  
3 8 same neighbor's land or the same public road on three or more  
3 9 occasions within a 12-month period. The bill provides that a  
3 10 local authority (county or city) may make a record of the  
3 11 occurrences. After the third occurrence, the neighboring  
3 12 landowner may request that the responsible landowner where the  
3 13 livestock should be kept erect or maintain a fence on the land  
3 14 under the provisions of Code chapter 359A. That chapter  
3 15 provides that an adjacent landowner may compel the erection or  
3 16 maintenance of a partition fence. Each adjacent landowner is  
3 17 liable to contribute an equal amount to pay for the associated  
3 18 costs of constructing the fence or making repairs. The bill  
3 19 treats the neighboring landowner as an adjacent landowner with  
3 20 the right to compel the fence to be constructed or repaired by  
3 21 the responsible landowner who presumably could require  
3 22 contribution from the adjacent landowner. However, the  
3 23 neighboring landowner making the request is not liable for the  
3 24 associated costs unless the neighboring landowner is also the  
3 25 adjacent landowner. Code chapter 359A provides that the  
3 26 township trustees may directly provide for the erection and  
3 27 maintenance of a fence if the parties do not act in a timely  
3 28 manner, and assess the amount as property taxes. The bill  
3 29 provides that the board of township trustees may request that  
3 30 the board of supervisors assume this duty. If the board  
3 31 constructs or repairs the fence, it may recoup the expenses  
3 32 together with a five percent penalty from a defaulted party.  
3 33 The amount of the associated costs is placed on the tax books  
3 34 and collected as property taxes.

3 35 LSB 1290SV 82



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 200 - Introduced continued

4 1 da:nh/je/5



Iowa General Assembly  
 Daily Bills, Amendments & Study Bills  
 February 19, 2007

Senate File 201

SENATE FILE  
 BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1127)

Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
           Approved

Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to county recorder fees for certified copies of
- 2 certain vital statistics records, and providing an effective
- 3 date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1651SV 82
- 6 eg/cf/24

PAG LIN



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 200 - Introduced continued

1 1 Section 1. Section 331.605, subsections 6 and 7, Code  
1 2 2007, are amended to read as follows:

1 3 6. A county fee ~~of four dollars~~ in an amount equal to  
1 4 forty percent of the fee collected by the county registrar  
1 5 pursuant to section 144.46 for a certified copy of a birth  
1 6 record, death record, or marriage certificate.

1 7 7. For filing an application for the license to marry,  
1 8 ~~thirty-five dollars, which includes payment for one certified~~  
1 9 ~~copy of the original certificate of marriage,~~ Out of this

1 10 amount, the county shall retain its fee, pursuant to  
1 11 subsection 6, for a certified copy of a marriage certificate  
1 12 to be issued following filing of the original certificate of  
1 13 marriage, four dollars of which shall be retained by the  
1 14 ~~county pursuant to subsection 6.~~ For issuing an application  
1 15 for an order of the district court authorizing the validation  
1 16 of a license to marry before the expiration of three days from  
1 17 the date of issuance of the license, five dollars. The  
1 18 district court shall authorize the early validation of a  
1 19 marriage license without the payment of any fees imposed in  
1 20 this subsection upon showing that the applicant is unable to  
1 21 pay the fees.

1 22 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 23 immediate importance, takes effect upon enactment.

1 24 EXPLANATION

1 25 The county recorder currently collects a county fee for  
1 26 certified copies of a birth record, death record, or marriage  
1 27 certificate which are deposited in the county general fund.  
1 28 This bill increases the amount of the fee that the county  
1 29 recorder can retain from \$4 for each record or certificate to  
1 30 40 percent of the fee collected by the county recorder  
1 31 pursuant to the rules adopted by the department of public  
1 32 health for certified copies.

1 33 The bill takes effect upon enactment.

1 34 LSB 1651SV 82

1 35 eg:rj/cf/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 202 - Introduced

SENATE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1086)

(COMPANION TO LSB 1236HV BY  
COMMITTEE ON COMMERCE)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the disposition of certain unclaimed property.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1236SV 82
- 4 av/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 202 - Introduced continued

PAG LIN

1 1 Section 1. Section 22.7, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 58. The information provided in any  
1 4 report, record, claim, or other document submitted to the  
1 5 treasurer of state pursuant to chapter 556 concerning  
1 6 unclaimed or abandoned property, except the name and last  
1 7 known address of each person appearing to be entitled to  
1 8 unclaimed or abandoned property paid or delivered to the  
1 9 treasurer of state pursuant to that chapter.

1 10 Sec. 2. Section 331.427, subsection 1, unnumbered  
1 11 paragraph 1, Code 2007, is amended to read as follows:

1 12 Except as otherwise provided by state law, county revenues  
1 13 from taxes and other sources for general county services shall  
1 14 be credited to the general fund of the county, including  
1 15 revenues received under sections 9I.11, 101A.3, 101A.7,  
1 16 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,  
1 17 321I.8, ~~section 331.554, subsection 6, sections 341A.20,~~  
1 18 364.3, 368.21, 423A.7, 428A.8, 430A.3, 433.15, 434.19, 445.57,  
1 19 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 583.6, 602.8108,  
1 20 904.908, and 906.17, and the following:

1 21 Sec. 3. Section 331.554, subsections 6 and 7, Code 2007,  
1 22 are amended to read as follows:

1 23 6. The amount of a check, other than a warrant,  
1 24 outstanding for more than ~~one year~~ two years shall be  
1 25 canceled, and removed from the list of outstanding checks,  
1 26 ~~deposited to the account on which the check was written, and~~  
1 27 ~~credited as unclaimed fees and trusts and is presumed~~  
1 28 ~~abandoned pursuant to section 556.8. The treasurer shall~~  
1 29 ~~maintain a list of the checks for one year after cancellation.~~

1 30 A person may claim the amount of the canceled treasurer's  
1 31 check ~~for a period of one year after cancellation upon proper~~  
1 32 ~~proof of ownership~~ by filing a claim with the ~~county auditor~~  
1 33 treasurer of state as provided in chapter 556.

1 34 7. A warrant or other evidence of the county's  
1 35 indebtedness outstanding for more than ~~one year~~ two years



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 202 - Introduced continued

~~2 1 shall be canceled by the auditor and the amount of the warrant  
2 2 shall be credited to the fund upon which the warrant was drawn  
2 3 is presumed abandoned pursuant to section 556.8. A person may  
2 4 file a claim with the auditor for the amount of the canceled  
2 5 warrant within one year of the date of the cancellation, and  
2 6 upon showing of proper proof that the claim is true and  
2 7 unpaid, the auditor shall issue a warrant drawn upon the fund  
2 8 from which the original canceled warrant was drawn or other  
2 9 evidence of the county's indebtedness by filing a claim with  
2 10 the treasurer of state as provided in chapter 556. This  
2 11 subsection does not apply to warrants issued upon drainage or  
2 12 levee district funds or any fund upon which the county  
2 13 treasurer has issued a warrant order or stamped a warrant for  
2 14 want of funds.~~

2 15 8. An amount outstanding on a check, warrant, or other  
2 16 evidence of the county's indebtedness that is presumed  
2 17 abandoned as provided in subsection 6 or 7 shall be reported  
2 18 and remitted to the treasurer of state by the county treasurer  
2 19 on or before November 1 of the fiscal year ending on the  
2 20 preceding June 30 that the obligation is presumed abandoned.

2 21 Sec. 4. Section 556.8, Code 2007, is amended to read as  
2 22 follows:

2 23 556.8 PROPERTY HELD BY STATE COURTS AND PUBLIC OFFICERS  
2 24 AND AGENCIES == ABANDONMENT.

2 25 1. All intangible personal property held for the owner by  
2 26 any court, public corporation, public authority, agency,  
2 27 instrumentality, employee, or public officer of this state, or  
2 28 the United States, or a political subdivision of the state,  
2 29 another state, or the United States, that has remained  
2 30 unclaimed by the owner for more than two years after becoming  
2 31 payable or distributable is presumed abandoned.

2 32 2. Notwithstanding any other provision of state law, an  
2 33 amount outstanding on a check, warrant, or other evidence of  
2 34 indebtedness of a county that has remained unclaimed by the  
2 35 owner for more than two years from the date of issuance or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 202 - Introduced continued

3 1 after becoming due and payable as determined by the county  
3 2 treasurer pursuant to section 331.554, is presumed abandoned.  
3 3 Sec. 5. Section 556.12, subsection 3, Code 2007, is  
3 4 amended to read as follows:  
3 5 3. The treasurer of state is not required to publish in  
3 6 such notice any item of less than ~~fifty~~ one hundred dollars  
3 7 unless the treasurer deems the publication to be in the public  
3 8 interest.  
3 9 Sec. 6. Section 556.12, subsection 4, Code 2007, is  
3 10 amended by striking the subsection and inserting in lieu  
3 11 thereof the following:  
3 12 4. The treasurer of state may mail a notice to each person  
3 13 listed in a report filed by the holder of unclaimed property,  
3 14 at the last known address of that person if the treasurer  
3 15 deems such notice to be in the best interests of that person  
3 16 and has reason to believe that the address submitted by the  
3 17 holder is sufficient to ensure that delivery of such notice  
3 18 will likely occur.  
3 19 Sec. 7. Section 556.13, subsection 1, Code 2007, is  
3 20 amended to read as follows:  
3 21 1. Except for property held in a safe deposit box or other  
3 22 safekeeping depository, upon filing the report required by  
3 23 section 556.11, the holder of property presumed abandoned  
3 24 shall pay, deliver, or cause to be paid or delivered to the  
3 25 administrator the property described in the report as  
3 26 unclaimed, but if the property is an automatically renewable  
3 27 deposit, and a penalty or forfeiture in the payment of  
3 28 interest would result, the time for compliance is extended  
3 29 until a penalty or forfeiture would no longer result.  
3 30 ~~Tangible~~ At the direction of the treasurer of state, the  
3 31 holder of tangible property held in a safe deposit box or  
3 32 other safekeeping depository shall ~~not be delivered~~ deliver  
3 33 the property to the treasurer of state ~~until one hundred~~  
~~3 34 twenty days at the same time as or after filing the abandoned~~  
3 35 property report required in section 556.11.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 202 - Introduced continued

4 1 Sec. 8. Section 556.20, Code 2007, is amended to read as  
4 2 follows:

4 3 556.20 DETERMINATION OF CLAIMS.

4 4 1. The ~~state~~ treasurer of state shall consider any claim  
4 5 filed under this chapter and may hold a hearing and receive  
4 6 evidence concerning ~~it~~ the claim. If a hearing is held, the  
4 7 treasurer shall prepare a finding and a decision in writing on  
4 8 each claim filed, stating the substance of any evidence heard  
4 9 by the treasurer and the reasons for the treasurer's decision.  
4 10 The decision shall be a public record.

4 11 2. If the claim is allowed, the ~~state~~ treasurer of state  
4 12 shall make payment forthwith. The claim shall be paid without  
4 13 deduction for costs of notices or sale or for service charges.  
4 14 The treasurer or an employee thereof shall not be held liable  
4 15 in any action for any claim paid in good faith pursuant to  
4 16 this section. However, a claimant, attorney in fact, or  
4 17 attorney or any other person representing a claimant to whom  
4 18 such payment is made may be held liable to a person who proves  
4 19 a superior right to the payment.

4 20 3. As a condition precedent to payment of any claim filed  
4 21 under this chapter, the treasurer of state may require that  
4 22 the claimant or owner of the unclaimed or abandoned property  
4 23 furnish the treasurer with a surety bond containing terms and  
4 24 provisions acceptable to the treasurer and issued by a  
4 25 corporate surety authorized to do business in this state or  
4 26 with such other form of indemnification and protection that is  
4 27 determined by the treasurer to be acceptable and sufficient to  
4 28 protect the treasurer and the state against any loss,  
4 29 liability, or damage which may arise out of or result from the  
4 30 payment of the claim by the treasurer. The claimant or owner  
4 31 shall be responsible for all premiums, costs, fees, or other  
4 32 expenses associated with any such surety bond or other form of  
4 33 indemnification and protection required pursuant to this  
4 34 subsection.

4 35 Sec. 9. NEW SECTION. 556.24A PUBLIC RECORDS.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 202 - Introduced continued

5 1 1. The treasurer of state shall maintain a public record  
5 2 of the name and last known address of each person appearing to  
5 3 be entitled to unclaimed or abandoned property paid or  
5 4 delivered to the treasurer pursuant to this chapter.

5 5 2. Notwithstanding any other provision of law, any other  
5 6 identifying information set forth in any report, record,  
5 7 claim, or other document submitted to the treasurer of state  
5 8 pursuant to this chapter concerning unclaimed or abandoned  
5 9 property is a confidential record as provided in section 22.7  
5 10 and shall be made available for public examination or copying  
5 11 only in the discretion of the treasurer.

5 12 EXPLANATION

5 13 This bill relates to the disposition of certain unclaimed  
5 14 property that is presumed abandoned by the treasurer of state.

5 15 Code section 331.427 is amended to correspond to changes in  
5 16 Code section 331.554 requiring the amounts of checks  
5 17 evidencing a county's indebtedness, that are presumed  
5 18 abandoned pursuant to Code chapter 556, to be remitted to the  
5 19 treasurer of state instead of being retained in the county's  
5 20 general fund.

5 21 Code section 331.554 is amended to provide that when a  
5 22 check, warrant, or other evidence of a county's indebtedness  
5 23 remains outstanding for more than two years, it shall be  
5 24 canceled and presumed abandoned pursuant to Code section  
5 25 556.8. A person may claim the property by filing a claim with  
5 26 the treasurer of state as provided in Code chapter 556. Code  
5 27 section 331.554 is also amended to require the county to  
5 28 report and remit the amount of such unclaimed property to the  
5 29 treasurer of state on or before November 1 of the fiscal year  
5 30 ending on the preceding June 30 that the obligation is  
5 31 presumed abandoned.

5 32 Code section 556.8 is amended to provide that an amount  
5 33 outstanding on a check, warrant, or other indebtedness of a  
5 34 county that has remained unclaimed by the owner for more than  
5 35 two years from the date of issuance or after becoming due and



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 202 - Introduced continued

6 1 payable, as determined by the county treasurer pursuant to  
6 2 Code section 331.554, is presumed abandoned.  
6 3 Code section 556.12 is amended to provide that the  
6 4 treasurer of state is not required to publish a notice of  
6 5 abandoned property concerning any item with a value of less  
6 6 than \$100 instead of \$50.  
6 7 Code section 556.12 is also amended to provide that the  
6 8 treasurer may mail a notice to each person listed in a report  
6 9 filed by a holder of unclaimed property at the last known  
6 10 address of that person if the treasurer deems such notice is  
6 11 in the best interests of that person and has reason to believe  
6 12 that the address submitted by the holder of the property is  
6 13 sufficient to ensure that delivery of such notice will likely  
6 14 occur.  
6 15 Code section 556.13 is amended to require the holder of  
6 16 tangible property held in a safe deposit box or other  
6 17 safekeeping depository to deliver the property to the  
6 18 treasurer of state at the treasurer's direction at the same  
6 19 time as or after the holder files an abandoned property report  
6 20 required under Code section 556.11. Currently, such property  
6 21 shall not be delivered to the treasurer until 120 days after  
6 22 filing that report.  
6 23 Code section 556.20 is amended to provide that the  
6 24 treasurer or an employee of the treasurer cannot be held  
6 25 liable in any action for any claim paid in good faith,  
6 26 although a claimant or other specified person representing a  
6 27 claimant to whom a claim is paid may be held liable to a  
6 28 person who proves a superior right to the payment.  
6 29 Code section 556.20 is also amended to allow the treasurer,  
6 30 prior to payment of a claim filed under the chapter, to  
6 31 require a claimant or owner of unclaimed or abandoned property  
6 32 to furnish a surety bond or other form of indemnification and  
6 33 protection determined acceptable and sufficient by the  
6 34 treasurer to protect the treasurer and the state against any  
6 35 loss, liability, or damage which may arise out of or result



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 202 - Introduced continued

7 1 from the payment of the claim by the treasurer. The claimant  
7 2 or owner is responsible for all costs associated with such a  
7 3 surety bond, indemnification, or other protection.  
7 4 New Code section 556.24A requires the treasurer to maintain  
7 5 a public record of the name and last known address of each  
7 6 person appearing to be entitled to unclaimed or abandoned  
7 7 property paid or delivered to the treasurer pursuant to Code  
7 8 chapter 556. The bill also provides that any other  
7 9 identifying information set forth in any report, record,  
7 10 claim, or other document submitted to the treasurer of state  
7 11 concerning unclaimed or abandoned property is a confidential  
7 12 record as provided in Code section 22.7 and shall be made  
7 13 available for public examination or copying only in the  
7 14 discretion of the treasurer. Code section 22.7 is also  
7 15 amended to include such records as confidential records for  
7 16 the purposes of Code chapter 22.  
7 17 LSB 1236SV 82  
7 18 av:rj/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 203 - Introduced**

SENATE FILE  
BY COMMITTEE ON NATURAL RESOURCES  
AND ENVIRONMENT

(SUCCESSOR TO SF 149)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act requiring certain children to wear personal flotation
- 2 devices while on board certain vessels operated on state
- 3 waters and providing for a penalty and an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2220SV 82
- 6 av/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 203 - Introduced continued

PAG LIN

1 1 Section 1. Section 462A.12, Code 2007, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 14. A person shall not operate a vessel  
1 4 on the waters of this state under the jurisdiction of the  
1 5 commission unless every person on board the vessel who is  
1 6 under thirteen years of age is wearing a type I, II, III, or V  
1 7 personal flotation device, including "float coats" that meet  
1 8 this definition, that is approved by the United States coast  
1 9 guard, while the vessel is under way. This subsection does  
1 10 not apply when the person under thirteen years of age is in an  
1 11 enclosed cabin or below deck, or is a passenger on a  
1 12 commercial vessel with a passenger capacity of twenty-five  
1 13 persons or more.

1 14 Sec. 2. WARNING CITATIONS == TWELVE-MONTH PERIOD. During  
1 15 the twelve-month period beginning on the effective date of  
1 16 this Act, peace officers shall issue only warning citations  
1 17 for violations of this Act.

1 18 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
1 19 immediate importance, takes effect upon enactment.

1 20 EXPLANATION

1 21 This bill adds a new provision to Code section 462A.12  
1 22 concerning prohibited operations of certain vessels. The bill  
1 23 provides that a person shall not operate a vessel on the  
1 24 waters of this state under the jurisdiction of the natural  
1 25 resource commission unless every person on board who is under  
1 26 13 years of age is wearing a type I, II, III, or V personal  
1 27 flotation device, including "float coats" that meet this  
1 28 definition, that is approved by the United States coast guard,  
1 29 while the vessel is under way. The new provision does not  
1 30 apply when the person under 13 years of age is in an enclosed  
1 31 cabin or below deck, or is a passenger on a commercial vessel  
1 32 with a passenger capacity of 25 persons or more.

1 33 For a violation of this provision, there is a scheduled  
1 34 fine of \$25, pursuant to Code section 805.8B, subsection 1,  
1 35 paragraph "c". However, the bill provides that during the 12=



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 203 - Introduced continued

2 1 month period after enactment, violators of the bill shall  
2 2 receive only warning citations.  
2 3 The bill is effective upon enactment.  
2 4 LSB 2220SV 82  
2 5 av:nh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 204 - Introduced**

SENATE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1188)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the department of public safety practices and
- 2 procedures.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1263SV 82
- 5 jm/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 204 - Introduced continued

PAG LIN

1 1 Section 1. Section 80.9, subsection 1, unnumbered  
1 2 paragraph 1, Code 2007, is amended to read as follows:

1 3 ~~They~~ A peace officer shall not exercise ~~their~~ the general  
1 4 powers of a peace officer within the limits of any city,  
1 5 except:

1 6 Sec. 2. Section 80.9, subsection 2, unnumbered paragraph  
1 7 1, Code 2007, is amended to read as follows:

1 8 In more particular, ~~their~~ the duties of a peace officer  
1 9 shall be as follows:

1 10 Sec. 3. Section 80.9, subsection 3, Code 2007, is amended  
1 11 to read as follows:

1 12 3. ~~They~~ A peace officer may administer oaths, acknowledge  
1 13 signatures, and take voluntary testimony pursuant to ~~their~~ the  
1 14 peace officer's duties as provided by law.

1 15 Sec. 4. Section 81.2, subsection 6, Code 2007, is amended  
1 16 to read as follows:

1 17 6. A person required to register as a sex offender shall  
1 18 submit a DNA sample for DNA profiling pursuant to section  
1 19 81.4.

1 20 Sec. 5. NEW SECTION. 692.3 REDISSEMINATION OF ARREST  
1 21 DATA AND OTHER INFORMATION.

1 22 A criminal or juvenile justice agency may disseminate  
1 23 arrest data, and the name, photograph, physical description,  
1 24 and other identifying information concerning a person who is  
1 25 wanted or being sought if a warrant for the arrest of that  
1 26 person has been issued. Information relating to any threat  
1 27 the person may pose to the public may also be disseminated.  
1 28 The information may be disseminated through any written,  
1 29 audio, or visual means utilized by a criminal or juvenile  
1 30 justice agency. Any dissemination of information pursuant  
1 31 to this section shall also include the statement provided in  
1 32 section 692.2, subsection 1, paragraph "b", subparagraph (5).

1 33 Sec. 6. Section 692.6, Code 2007, is amended to read as  
1 34 follows:

1 35 692.6 CIVIL REMEDY.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 204 - Introduced continued

2 1 Any person may institute a civil action for damages under  
2 2 chapter 669 or 670 or to restrain the dissemination of the  
2 3 person's criminal history data or intelligence data in  
2 4 violation of this chapter, ~~and.~~ Notwithstanding any  
2 5 provisions of chapter 669 or 670 to the contrary, any person,  
2 6 agency, or governmental body proven to have disseminated or to  
2 7 have requested and received criminal history data or  
2 8 intelligence data in violation of this chapter shall be liable  
2 9 for actual damages and exemplary damages for each violation  
2 10 and shall be liable for court costs, expenses, and reasonable  
2 11 attorneys' fees incurred by the party bringing the action. In  
2 12 no case shall the award for damages be less than one hundred  
2 13 dollars.

2 14 Sec. 7. Section 692.15, subsection 3, Code 2007, is  
2 15 amended to read as follows:

2 16 3. The law enforcement agency making an arrest and  
2 17 securing fingerprints pursuant to section 690.2 or taking a  
2 18 juvenile into custody and securing fingerprints pursuant to  
2 19 section 232.148 shall fill out a final disposition report on  
2 20 each arrest or taking into custody on a form and in the manner  
2 21 prescribed by the commissioner of public safety. The final  
2 22 disposition report shall be forwarded to the county attorney,  
2 23 or at the discretion of the county attorney, to the clerk of  
2 24 the district court, in the county where the arrest or taking  
2 25 into custody occurred, or to the juvenile court officer who  
2 26 received the referral, whichever is deemed appropriate under  
2 27 the circumstances.

2 28 Sec. 8. Section 692.16, Code 2007, is amended to read as  
2 29 follows:

2 30 692.16 REVIEW AND REMOVAL.

2 31 At least every year the division shall review and determine  
2 32 current status of all Iowa arrests or takings into custody  
2 33 reported, which are at least ~~one year~~ four years old with no  
2 34 disposition data. Any Iowa arrest or taking of a juvenile  
2 35 into custody recorded within a computer data storage system





Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 204 - Introduced continued

4 1 sample for DNA profiling.

4 2       New Code section 692.3 provides that a criminal or juvenile  
4 3 justice agency may disseminate department of public safety  
4 4 arrest data, and the name, photograph, physical description,  
4 5 and other identifying information concerning a person who is  
4 6 wanted or being sought if a warrant for the arrest of that  
4 7 person has been issued. Information relating to any threat  
4 8 the person may pose to the public may also be disseminated  
4 9 under the bill.

4 10       The amendment to Code section 692.6 provides that a person  
4 11 may bring a civil suit to restrain the dissemination of a  
4 12 person's criminal history in violation of Code chapter 692 and  
4 13 be awarded actual and exemplary damages notwithstanding Code  
4 14 chapter 669 (state tort claims), or Code chapter 670 (tort  
4 15 liability of governmental subdivisions).

4 16       The amendment to Code section 692.15 grants the county  
4 17 attorney discretion to decide whether the final disposition  
4 18 report of an arrest made in the county is forwarded to the  
4 19 county attorney, or to the clerk of the district court in the  
4 20 county where the arrest was made, or to a juvenile court  
4 21 officer who received the referral, whichever is deemed  
4 22 appropriate under the circumstances. Under current law the  
4 23 final disposition report shall be forwarded by the law  
4 24 enforcement agency making the arrest to the county attorney in  
4 25 the county of arrest or to the juvenile court officer who  
4 26 received the referral.

4 27       The amendment to Code section 692.16 provides that the  
4 28 department of public safety shall annually review all arrests  
4 29 or takings into custody which are at least four years old with  
4 30 no disposition data. Current law provides the department  
4 31 shall annually review all arrests or takings into custody  
4 32 which are at least one year old with no disposition data.

4 33       The amendment to Code section 725.9 strikes the definition  
4 34 of "antique pinball machine" and defines a pachislo skill-stop  
4 35 machine as a "gambling device". The amendment to Code section



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate File 204 - Introduced continued

5 1 725.9 also strikes "pinball machine" from the definition of  
5 2 "gambling device". The definition of "gambling device" in  
5 3 Code section 725.9 also applies to Code chapter 99A  
5 4 (possession of gambling device) and 99B (games of skill or  
5 5 chance).  
5 6 The amendment to Code section 809A.3 provides that a person  
5 7 who violates Code section 321.232 (radar jamming devices) may  
5 8 be subject to a forfeiture action. Current law prohibits a  
5 9 forfeiture action for violations of Code chapter 321 (motor  
5 10 vehicles and laws of the road).  
5 11 LSB 1263SV 82  
5 12 jm:rj/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 205 - Introduced**

SENATE FILE  
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 1017)

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the use of moneys in the Iowa cultural trust
- 2 grant account by the board of trustees of the Iowa cultural
- 3 trust.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1210SV 82
- 6 kh/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 205 - Introduced continued

PAG LIN

1 1 Section 1. Section 303A.7, subsection 3, Code 2007, is  
1 2 amended to read as follows:  
1 3 3. ~~For the fiscal period beginning July 1, 2003, and~~  
1 4 ~~ending June 30, 2005~~ At any time when the principal balance in  
1 5 the trust fund equals or exceeds three million dollars, the  
1 6 board may use moneys in the grant account for a statewide  
1 7 educational program to promote participation in, expanded  
1 8 support of, and local endowment building for, Iowa nonprofit  
1 9 arts, history, and sciences and humanities organizations.

1 10 EXPLANATION

1 11 This bill makes changes to the authority once given to the  
1 12 board of trustees of the Iowa cultural trust over the use of  
1 13 moneys deposited in the Iowa cultural trust grant account.  
1 14 The Iowa cultural trust grant account was created in the  
1 15 Code to receive interest attributable to the investment of the  
1 16 trust fund moneys. From July 1, 2003, through June 30, 2005,  
1 17 the Code authorized the board to use moneys in the grant  
1 18 account for a statewide educational program to promote  
1 19 participation in, expanded support of, and local endowment  
1 20 building for, Iowa nonprofit arts, history, and sciences and  
1 21 humanities organizations. The bill reauthorizes the board to  
1 22 use the grant account moneys for those purposes, but only when  
1 23 the principal balance in the Iowa cultural trust fund equals  
1 24 or exceeds \$3 million.

1 25 LSB 1210SV 82

1 26 kh:rj/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 206 - Introduced**

SENATE FILE  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1174)

Passed Senate, Date \_\_\_\_\_

Passed House, 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 2159SV 82  
6 rn/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 206 - Introduced continued

PAG LIN

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 professional limited liability company holds a  
1 33 license as a real estate broker or salesperson, and unless  
1 34 every employee who acts as a salesperson for the partnership,  
1 35 association, ~~or~~ corporation, professional corporation, or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 206 - Introduced continued

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



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 206 - Introduced continued

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 2159SV 82  
3 6 rn:nh/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 207 - Introduced**

SENATE FILE  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SF 90)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

**A BILL FOR**

- 1 An Act concerning local emergency management commission
- 2 communications.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2196SV 82
- 5 ec/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 207 - Introduced continued

PAG LIN

1 1 Section 1. Section 29C.9, subsection 6, Code 2007, is  
1 2 amended to read as follows:  
1 3 6. The commission shall determine the mission of its  
1 4 agency and program and provide direction for the delivery of  
1 5 the emergency management services of planning, administration,  
1 6 coordination, training, and support for local governments and  
1 7 their departments. The commission shall coordinate its  
1 8 services in the event of a disaster. The commission may also  
1 9 provide joint emergency response communications services.

1 10 EXPLANATION

1 11 This bill provides that local emergency management  
1 12 commissions may provide joint emergency response  
1 13 communications services.

1 14 LSB 2196SV 82

1 15 ec:nh/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 208 - Introduced**

SENATE FILE  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1191)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

**A BILL FOR**

- 1 An Act relating to documents recorded with the county recorder.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1656SV 82
- 4 eg/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 208 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.606A, Code 2007, is amended by  
1 2 striking the section and inserting in lieu thereof the  
1 3 following:  
1 4 331A.606A DOCUMENT CONTENT == PERSONALLY IDENTIFIABLE  
1 5 INFORMATION.  
1 6 1. DEFINITIONS.  
1 7 a. "Personally identifiable information" means one or more  
1 8 of the following specific unique identifiers when combined  
1 9 with an individual's name:  
1 10 (1) Social security number.  
1 11 (2) Checking, savings, or share account number, credit,  
1 12 debit, or charge card number.  
1 13 b. "Preparer" means the person or entity who creates,  
1 14 drafts, edits, revises, or last changes the documents that are  
1 15 recorded with the recorder.  
1 16 c. "Redact" or "redaction" means the process of removing  
1 17 personally identifiable information from documents.  
1 18 2. INCLUSION OF PERSONALLY IDENTIFIABLE INFORMATION. The  
1 19 preparer of a document shall not include an individual's  
1 20 personally identifiable information in a document that is  
1 21 prepared and presented for recording in the office of the  
1 22 recorder. This subsection shall not apply to documents that  
1 23 were executed by an individual prior to July 1, 2007. Unless  
1 24 provided otherwise by law, all documents described by this  
1 25 section are subject to inspection and copying by the public.  
1 26 3. REDACTION ON A RECORDER'S INTERNET WEBSITE. If a  
1 27 document that includes an individual's personally identifiable  
1 28 information was recorded with the recorder and is available on  
1 29 the recorder's internet website, the individual may request  
1 30 that the recorder redact such information from the website.  
1 31 The recorder shall establish a procedure by which individuals  
1 32 may request that such personally identifiable information be  
1 33 redacted from the internet record available on the recorder's  
1 34 internet website, at no fee to the requesting individual. The  
1 35 recorder shall comply with an individual's request to redact



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 208 - Introduced continued

2 1 personally identifiable information.

2 2 4. LIABILITY OF PREPARER. A preparer who, in violation of  
2 3 subsection 2, enters personally identifiable information in a  
2 4 document that is prepared and presented for recording is  
2 5 liable to the individual whose personally identifiable  
2 6 information appears in the recorded public document for actual  
2 7 damages of up to five hundred dollars for each act of  
2 8 recording.

2 9 5. APPLICABILITY. This section shall not apply to a  
2 10 preparer of a state or federal tax lien, a military separation  
2 11 or discharge record, or a death certificate that is prepared  
2 12 for recording in the office of county recorder. If a military  
2 13 separation or discharge record or a death certificate is  
2 14 recorded in the office of the county recorder, the military  
2 15 separation or discharge record or the death certificate shall  
2 16 not be accessible through the internet.

2 17 EXPLANATION

2 18 Code section 331.606A currently provides that a person who  
2 19 prepares a document for filing with the county recorder shall  
2 20 not include an individual's federal social security number.  
2 21 This bill extends this prohibition to "personally identifiable  
2 22 information" which is defined to mean a social security  
2 23 number; checking, savings, or share account number; and  
2 24 credit, debit, or charge card number.

2 25 The bill provides that a person may demand that a recorder  
2 26 remove any personally identifiable information that is located  
2 27 on the recorder's internet website.

2 28 The bill provides that a person who enters personally  
2 29 identifiable information in a document that is recorded is  
2 30 liable for actual damages of up to \$500 for each act of  
2 31 recording.

2 32 The bill provides that Code section 331A.606A shall not  
2 33 apply to a preparer of a state or federal tax lien, a military  
2 34 separation or discharge record, or a death certificate that is  
2 35 prepared for recording in the office of the county recorder.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 208 - Introduced continued

3 1 However, if a military separation or discharge record or a  
3 2 death certificate is recorded, such record shall not be  
3 3 accessible through the internet.  
3 4 LSB 1656SV 82  
3 5 eg:sc/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 209 - Introduced**

SENATE FILE  
BY BOLKCOM

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act providing for an Iowa farm-to-school program.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2584SS 82
- 4 da/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 209 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 190A.1 DEFINITIONS.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Food" means an agricultural commodity or product,  
1 5 whether raw or processed, including a commodity that is  
1 6 produced and marketed in this state for human consumption.  
1 7 2. "Program" means the Iowa farm=to=school program as  
1 8 established in section 190A.2.  
1 9 Sec. 2. NEW SECTION. 190A.2 ESTABLISHMENT AND  
1 10 ADMINISTRATION.  
1 11 An Iowa farm=to=school program is established to be  
1 12 administered on a statewide basis by the department of  
1 13 agriculture and land stewardship.  
1 14 Sec. 3. NEW SECTION. 190A.3 PURPOSE.  
1 15 The Iowa farm=to=school program shall provide for the  
1 16 purchase of locally and regionally produced or processed food  
1 17 in order to improve child nutrition and strengthen local and  
1 18 regional farm economies.  
1 19 1. The program shall link elementary and secondary public  
1 20 and nonpublic schools in this state with Iowa farms in a  
1 21 manner that provides schools with fresh and minimally  
1 22 processed food for inclusion in school meals and snacks,  
1 23 encourages children to develop healthy eating habits, and  
1 24 improves the incomes of Iowa farmers who will enjoy direct  
1 25 access to consumer markets.  
1 26 2. The farm=to=school program may include activities that  
1 27 provide students with hands=on learning opportunities, such as  
1 28 farm visits, cooking demonstrations, and school gardening and  
1 29 composting programs, and that integrate nutrition and  
1 30 agricultural education into the school curricula.  
1 31 Sec. 4. NEW SECTION. 190A.4 ADMINISTRATION.  
1 32 The department shall employ a coordinator to administer the  
1 33 program, including by doing all of the following:  
1 34 1. Identifying and promoting the critical ways for local  
1 35 communities to participate in the program and advise



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 209 - Introduced continued

2 1 communities on needed strategies, plans, and action to  
2 2 administer the program.  
2 3 2. Establishing a partnership with public agencies and  
2 4 nonprofit organizations to implement a public engagement  
2 5 campaign and establish a structure to facilitate communication  
2 6 between farmers and schools.  
2 7 3. Providing leadership at the state level to encourage  
2 8 schools to develop and improve school nutrition plans using  
2 9 locally or regionally grown or locally or regionally processed  
2 10 food.  
2 11 4. Conducting workshops and training sessions and  
2 12 providing technical assistance to school food services,  
2 13 farmers, processors, and distributors regarding the demand for  
2 14 and the availability of Iowa food products, and assisting  
2 15 persons seeking to participate in the program.  
2 16 5. Providing information regarding the Iowa farm-to-school  
2 17 program in an electronic format on the department's internet  
2 18 website. Each department cooperating in administering the  
2 19 program shall maintain a direct link to the information on  
2 20 that department's internet website.  
2 21 6. Seeking financial or in-kind contributions from persons  
2 22 to support the program.

2 23 Sec. 5. NEW SECTION. 190A.5 DEPARTMENTAL COOPERATION.

2 24 The department of education, the department of human  
2 25 services, and the department of public health shall cooperate  
2 26 with the department of agriculture and land stewardship in  
2 27 administering the Iowa farm-to-school program, including by  
2 28 providing for professional consultation and staff support.

2 29 EXPLANATION

2 30 This bill establishes an Iowa farm-to-school program  
2 31 administered on a statewide basis by the department of  
2 32 agriculture and land stewardship. The purpose of the program  
2 33 is to provide for the purchase of locally and regionally  
2 34 produced or processed food in order to improve child nutrition  
2 35 in the public and nonpublic schools and strengthen local and



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 209 - Introduced continued

3 1 regional farm economies. The department is required to  
3 2 appoint a coordinator in order to administer the program. The  
3 3 bill requires that the department of education, department of  
3 4 human services, and the department of public health cooperate  
3 5 in administering the program.  
3 6 LSB 2584SS 82  
3 7 da:rj/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 210 - Introduced**

SENATE FILE  
BY BOLKCOM

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act establishing a program for providing home visits for all
- 2 families in the state with a newborn child.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2081XS 82
- 5 jp/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 210 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 28.11 FAMILIES WITH A NEWBORN  
1 2 CHILD == HOME VISITS.  
1 3 1. a. The Iowa empowerment board shall implement a  
1 4 program with the goal of making available a home visit for  
1 5 each household in the state with a family that has a newborn  
1 6 child. The components of the home visit shall include but are  
1 7 not limited to assessing the child's home environment,  
1 8 educating the families concerning newborn children, and  
1 9 assisting families in accessing appropriate services.  
1 10 b. The Iowa board shall coordinate with existing programs  
1 11 that provide a visit to families with a newborn child as  
1 12 necessary to make the best use of resources while expanding  
1 13 the availability of home visits.  
1 14 2. The home visit program implemented under this section  
1 15 shall be administered at the local level through the local  
1 16 board of health as defined in section 137.2. The following  
1 17 requirements shall apply to local programs receiving funding  
1 18 under the program:  
1 19 a. Home visits shall be made by qualified and trained  
1 20 staff.  
1 21 b. The program staff shall demonstrate a capacity to  
1 22 competently complete home visits and facilitate referrals to  
1 23 and interventions by other resources available in the  
1 24 community, based upon needs identified during a home visit.  
1 25 c. The local program must have an acceptable plan for  
1 26 implementing a cooperative arrangement with local hospitals  
1 27 and birthing centers for the hospitals and centers to provide  
1 28 referral information for contacting families with a newborn  
1 29 child.  
1 30 d. The local program must have the capacity to bill third=  
1 31 party payors as appropriate and to leverage additional  
1 32 resources, such as local cash or in-kind matching  
1 33 contributions to sustain and enhance the local program.  
1 34 e. The local program must apply performance measures  
1 35 identified by the Iowa board and the local program



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate File 210 - Introduced continued

2 1 administrator and shall report outcome information on a  
2 2 regular basis identified by the Iowa board.  
2 3 3. The Iowa board shall implement the provisions of this  
2 4 section subject to the funding provided for purposes of this  
2 5 section.

2 6 EXPLANATION

2 7 This bill establishes a program for providing home visits  
2 8 for all families in the state with a newborn child.

2 9 New Code section 28.11 directs the Iowa empowerment board  
2 10 to implement the program with the goal of making available a  
2 11 home visit for each household in the state with a family that  
2 12 has a newborn child. The board is required to coordinate this  
2 13 program with existing programs providing home visits to  
2 14 families with a newborn child.

2 15 The program at the local level is required to use the local  
2 16 board of health as administrator. The bill includes  
2 17 requirements for the local program. The Iowa empowerment  
2 18 board's implementation of the program is subject to the  
2 19 funding provided for purposes of the program.

2 20 LSB 2081XS 82

2 21 jp:nh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 211 - Introduced**

SENATE FILE  
BY BOLKCOM and APPEL

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

**A BILL FOR**

- 1 An Act establishing a task force to set state level nutrition
- 2 standards for school districts and licensed preschools.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2386XS 82
- 5 kh/gg/14



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 211 - Introduced continued

PAG LIN

1 1 Section 1. NUTRITION STANDARDS TASK FORCE.  
1 2 1. The department of education, in consultation with the  
1 3 department of public health, shall convene a task force to  
1 4 develop nutrition standards for all foods sold on school  
1 5 district and licensed preschool property including, as  
1 6 appropriate, foods sold in competition with school district  
1 7 and licensed preschool breakfast programs that benefit from  
1 8 funds received by the department of education under the  
1 9 federal National School Lunch Act and the federal Child  
1 10 Nutrition Act of 1966, 42 U.S.C. } 1751=1785.  
1 11 2. The standards developed and recommended by the task  
1 12 force shall be based on a compilation of scientific evidence  
1 13 and standards established by other states and shall be  
1 14 designed to do all of the following:  
1 15 a. Encourage the promotion of healthy foods for Iowa's  
1 16 children.  
1 17 b. Offer levels of participation by school districts and  
1 18 licensed preschools to allow for local control.  
1 19 c. Specify a timetable for acceptance of the standards by  
1 20 the school districts and licensed preschools of the state by  
1 21 July 1, 2010.  
1 22 d. Assist schools in meeting the nutrition standard  
1 23 requirements of Pub. L. No. 108=265, } 204(a), the general  
1 24 local wellness policy provisions of the federal Child  
1 25 Nutrition and WIC Reauthorization Act of 2004.  
1 26 e. Assist food vendors and the food industry by promoting  
1 27 consistency relating to standard nutrient content and package  
1 28 size among school districts and licensed preschools requesting  
1 29 affordable and healthy foods and beverages.  
1 30 f. Save school districts and licensed preschools the time  
1 31 and costs of developing their own nutrition standards.  
1 32 3. The task force shall design an incentive program for  
1 33 school districts and licensed preschools that exhibit the  
1 34 highest level of compliance with the nutrition standards  
1 35 developed in accordance with this section.



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate File 211 - Introduced continued

- 2 1       4. Members of the task force shall include the following:
- 2 2       a. A representative of each of the following, appointed by
- 2 3 the respective entity:
- 2 4       (1) The bureau of nutrition programs and school
- 2 5 transportation of the department of education.
- 2 6       (2) The department of public health.
- 2 7       (3) The school nutrition association of Iowa.
- 2 8       (4) The Iowa dietetic association.
- 2 9       (5) The Iowa nurses association.
- 2 10       (6) Iowa partners: action for healthy kids.
- 2 11       (7) The Iowa beverage association.
- 2 12       (8) The Iowa automatic merchandising association.
- 2 13       b. A parent or guardian of a school-age child enrolled in
- 2 14 a school district with an enrollment of two thousand four
- 2 15 hundred ninety-nine students or less and a parent or guardian
- 2 16 of a school-age child enrolled in a school district with an
- 2 17 enrollment of more than two thousand four hundred ninety-nine
- 2 18 students, both of whom shall be appointed by the governor.
- 2 19       c. A student enrolled in a school district with an
- 2 20 enrollment of two thousand four hundred ninety-nine students
- 2 21 or less and a student enrolled in a school district with an
- 2 22 enrollment of more than two thousand four hundred ninety-nine
- 2 23 students, both of whom shall be appointed by the governor.
- 2 24       d. A school administrator or business manager employed in
- 2 25 a school district with an enrollment of two thousand four
- 2 26 hundred ninety-nine students or less and a school
- 2 27 administrator or business manager employed in a school
- 2 28 district with an enrollment of more than two thousand four
- 2 29 hundred ninety-nine students, both of whom shall be appointed
- 2 30 by the governor.
- 2 31       e. A food service director employed in a school district
- 2 32 with an enrollment of two thousand four hundred ninety-nine
- 2 33 students or less and a food service director employed in a
- 2 34 school district with an enrollment of more than two thousand
- 2 35 four hundred ninety-nine students, both of whom shall be



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 211 - Introduced continued

3 1 appointed by the governor.

3 2 5. The task force shall elect a chairperson and vice  
3 3 chairperson from the members appointed pursuant to this  
3 4 section. A majority of the members of the task force present  
3 5 shall constitute a quorum.

3 6 6. The department of education shall provide staffing and  
3 7 administrative support to the task force.

3 8 7. The task force shall submit its incentive program and  
3 9 recommended standards in a report to the governor and the  
3 10 general assembly by January 1, 2008.

3 11 EXPLANATION

3 12 This bill directs the department of education, in  
3 13 consultation with the department of public health, to convene  
3 14 a task force to develop nutrition standards for all foods sold  
3 15 on school district and licensed preschool property, including,  
3 16 as appropriate, foods sold in competition with school district  
3 17 and licensed preschool breakfast programs that benefit from  
3 18 funds received under the federal National School Lunch Act and  
3 19 the federal Child Nutrition Act of 1966, 42 U.S.C. }  
3 20 1751=1785.

3 21 The standards developed must be based on scientific  
3 22 evidence and standards established by other states and be  
3 23 designed to encourage the promotion of healthy foods for  
3 24 Iowa's children, offer levels of participation to allow for  
3 25 local control, specify a timetable for acceptance of the  
3 26 standards by July 1, 2010, assist schools in meeting the local  
3 27 wellness policy provisions of the federal Child Nutrition and  
3 28 WIC Reauthorization Act of 2004, assist food vendors and the  
3 29 food industry by promoting consistency relating to standard  
3 30 nutrient content and package size among school districts and  
3 31 licensed preschools requesting affordable and healthy foods  
3 32 and beverages, and save school districts and licensed  
3 33 preschools the time and costs of developing their own  
3 34 nutrition standards.

3 35 The task force must also design an incentive program for



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate File 211 - Introduced continued

4 1 school districts and licensed preschools that exhibit the  
4 2 highest level of compliance with the nutrition standards.  
4 3     Members of the task force include representatives of the  
4 4 bureau of nutrition programs and school transportation of the  
4 5 department of education, the department of public health, the  
4 6 school nutrition association of Iowa, the Iowa dietetic  
4 7 association, the Iowa nurses association, Iowa partners:  
4 8 action for healthy kids, the Iowa beverage association, the  
4 9 Iowa automatic merchandising association, and parents,  
4 10 students, administrators or business managers, and food  
4 11 service directors from urban and rural school districts.  
4 12     The task force is to submit its incentive program and  
4 13 recommended standards to the governor and the general assembly  
4 14 by January 1, 2008.  
4 15 LSB 2386XS 82  
4 16 kh:sc/gg/14.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 212 - Introduced**

SENATE FILE  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1126)

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the salary of deputy officers in certain
- 2 county offices and providing an applicability date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1650SV 82
- 5 eg/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 212 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.904, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. The annual base salary of the first and second deputy  
1 4 officer of the office of auditor, treasurer, and recorder, the  
1 5 deputy in charge of the motor vehicle registration and title  
1 6 division, and the deputy in charge of driver's license  
1 7 issuance shall each be an amount not to exceed ~~eighty~~  
1 8 eighty=five percent of the annual salary of the deputy's  
1 9 principal officer. In offices where more than two deputies  
1 10 are required, the annual base salary of each additional deputy  
1 11 shall be paid an amount not to exceed ~~seventy=five~~ eighty  
1 12 percent of the principal officer's salary. The amount of the  
1 13 annual base salary of each deputy shall be certified by the  
1 14 principal officer to the board and, if a deputy's annual base  
1 15 salary does not exceed the limitations specified in this  
1 16 subsection, the board shall certify the annual base salary to  
1 17 the auditor. The board shall not certify a deputy's annual  
1 18 base salary which exceeds the limitations of this subsection.

1 19 As used in this subsection, "base salary" means the basic  
1 20 compensation excluding overtime pay, longevity pay, shift  
1 21 differential pay, or other supplement pay and fringe benefits.

1 22 Sec. 2. APPLICABILITY DATE. This Act applies to county  
1 23 budgets for the fiscal year beginning July 1, 2008, and all  
1 24 subsequent fiscal years.

1 25 EXPLANATION

1 26 This bill provides that the annual base salary of first and  
1 27 second deputies in the offices of county auditor, treasurer,  
1 28 and recorder, the deputy in charge of the motor vehicle  
1 29 registration and title division, and the deputy in charge of  
1 30 driver's license issuance shall not exceed 85 percent of the  
1 31 applicable principal officer's salary. The bill also provides  
1 32 that if any of these county offices has more than two  
1 33 deputies, the annual base salary of each additional deputy  
1 34 shall not exceed 80 percent of the principal officer's salary.  
1 35 The bill defines "base salary" to mean the same as defined for



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 212 - Introduced continued

2 1 deputy sheriffs in the office of county sheriff.  
2 2 The bill applies to county budgets for the fiscal year  
2 3 beginning July 1, 2008, and all subsequent fiscal years.  
2 4 LSB 1650SV 82  
2 5 eg:sc/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 213 - Introduced**

SENATE FILE  
BY DANIELSON

(COMPANION TO LSB 2372HH  
BY PAULSEN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to deficiencies in the repair or construction of
- 2 residential real property.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2372SS 82
- 5 rh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 213 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 657B.1 DEFINITIONS.  
1 2 For the purposes of this chapter, the following definitions  
1 3 shall apply:  
1 4 1. "Builder" means a builder or developer of a new  
1 5 residential unit that is sold on or after July 1, 2007.  
1 6 2. "Claimant" includes an individual owner of a single=  
1 7 family home, an individual unit owner of an attached dwelling,  
1 8 and, in the case of a common interest development, an  
1 9 association. "Claimant" does not include a person not in  
1 10 privity of contract with a builder.  
1 11 Sec. 2. NEW SECTION. 657B.2 NOTICE OF CLAIM == CLAIMANT.  
1 12 Prior to filing an action for recovery of property damages  
1 13 arising out of, or related to deficiencies in, the repair or  
1 14 construction of the claimant's residence against a builder, a  
1 15 claimant shall provide written notice by certified mail,  
1 16 overnight mail, or personal delivery to the builder that the  
1 17 repair or construction of the claimant's residence is  
1 18 deficient or violates the applicable housing code or city  
1 19 ordinance. The notice shall state the claimant's name,  
1 20 address, and contact information, and shall describe the  
1 21 nature of the claim in sufficient detail in order to determine  
1 22 the nature and location of the alleged violation.  
1 23 Sec. 3. NEW SECTION. 657B.3 REPAIRS OR COMPENSATION.  
1 24 Within ten business days of the builder's receipt of a  
1 25 claimant's notice of claim, the claimant shall provide the  
1 26 builder with access to the claimant's residence and the  
1 27 builder shall inspect the defect and make an offer in writing  
1 28 which shall include either of the following:  
1 29 1. A bona fide offer to compensate the claimant for repair  
1 30 of the defect and property damages caused by the defect.  
1 31 2. An offer to repair with a detailed statement  
1 32 identifying the particular deficiency to be repaired, an  
1 33 explanation of the nature, scope, and location of the repair  
1 34 needed, and the estimated completion date of the repair, which  
1 35 shall occur within either twenty-one business days of the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 213 - Introduced continued

2 1 builder's receipt of the claimant's notice of claim, or within  
2 2 reasonable weather-related construction conditions, or as  
2 3 otherwise agreed to by the parties.

2 4 Sec. 4. NEW SECTION. 657B.4 REQUIREMENTS.

2 5 A builder shall provide a claimant written notice of the  
2 6 requirements of this chapter at the time of closing for the  
2 7 sale of the property or at the time of completion of the  
2 8 repair.

2 9 EXPLANATION

2 10 This bill relates to deficiencies in residential real  
2 11 property. The bill requires a claimant, as defined by the  
2 12 bill, to provide a builder of residential real property with a  
2 13 notice of a claim against the builder prior to commencing an  
2 14 action against the builder for property damages arising from  
2 15 deficiencies in the repair or construction of the residential  
2 16 real property. The notice of claim is required by the bill to  
2 17 state the claimant's name, address, and contact information,  
2 18 and to describe in detail the nature and location of the  
2 19 violation alleged against the builder.

2 20 The bill allows a builder to offer to compensate the  
2 21 claimant for a deficiency or repair the deficiency. The offer  
2 22 to compensate or repair must be made within 10 business days  
2 23 after the builder receives the claimant's notice of claim. An  
2 24 offer to compensate must be a bona fide offer and an offer to  
2 25 repair must include a detailed statement identifying the  
2 26 particular deficiency to be repaired; an explanation of the  
2 27 nature, scope, and location of the repair; and an estimated  
2 28 completion date of the repair. The estimated completion date  
2 29 of the repair is required by the bill to be within 21 days of  
2 30 the builder's receipt of the notice of claim, within  
2 31 reasonable weather conditions, or as otherwise agreed to by  
2 32 the parties.

2 33 LSB 2372SS 82

2 34 rh:nh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 214 - Introduced**

SENATE FILE  
BY DANIELSON

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

**A BILL FOR**

- 1 An Act requiring the dissemination of a medical assistance
- 2 summary notice to all program recipients.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2262SS 82
- 5 pf/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 214 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249A.36 MEDICAL ASSISTANCE  
1 2 SUMMARY NOTICE.  
1 3 The department shall send a routine medical assistance  
1 4 summary notice to each recipient who had services reimbursed  
1 5 on the recipient's behalf during the period subsequent to the  
1 6 sending of the previous such notice. The notice shall include  
1 7 contact information for the recipient to utilize in verifying  
1 8 services received.  
1 9 EXPLANATION  
1 10 This bill requires the department of human services to send  
1 11 a routine medical assistance summary notice to each recipient  
1 12 who had services reimbursed on the recipient's behalf during  
1 13 the period subsequent to the sending of the previous such  
1 14 notice. The notice is to include contact information for the  
1 15 recipient to utilize in reporting errors, fraud, abuse, or  
1 16 concerns relating to the services received.  
1 17 LSB 2262SS 82  
1 18 pf:nh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 215 - Introduced**

SENATE FILE  
BY DANIELSON

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

**A BILL FOR**

- 1 An Act providing for the modification of property divisions made
- 2 pursuant to a dissolution of marriage.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2304SS 82
- 5 pf/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 215 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.21, subsection 7, Code 2007, is  
1 2 amended to read as follows:  
1 3 7. ~~NOT SUBJECT TO LIMITED MODIFICATION.~~  
1 4 a. Property With the exception of the provisions specified  
1 5 in paragraph "b", property divisions made under this chapter  
1 6 are not subject to modification.  
1 7 b. The portion of a property division which constitutes an  
1 8 order intended to be a qualified domestic relations order  
1 9 affecting pension, profit sharing, or stock bonus plans  
1 10 pursuant to the United States Internal Revenue Code is  
1 11 modifiable only for the purpose of establishing or maintaining  
1 12 the order as a qualified domestic relations order or to revise  
1 13 or confirm the order's terms as to effectuate the expressed  
1 14 intent of the order.

1 15 EXPLANATION  
1 16 This bill allows an exception to the proscription against  
1 17 modification of property divisions made under the dissolution  
1 18 of marriage and domestic relations chapter. The exception  
1 19 provides that the portion of a property division which  
1 20 constitutes an order intended to be a qualified domestic  
1 21 relations order (QDRO) affecting pension, profit sharing, or  
1 22 stock bonus plans is modifiable only for the purpose of  
1 23 establishing or maintaining the order as a QDRO or to revise  
1 24 or confirm the order's terms as to effectuate the expressed  
1 25 intent of the order.  
1 26 LSB 2304SS 82  
1 27 pf:nh/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 216 - Introduced**

SENATE FILE  
BY DANIELSON and HORN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

**A BILL FOR**

1 An Act providing for candidate physical ability tests for fire  
2 fighter applicants under the statewide fire and police  
3 retirement system.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2127XS 82  
6 ec/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 216 - Introduced continued

PAG LIN

1 1 Section 1. Section 400.8, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. The commission, when necessary under the rules,  
1 4 including minimum and maximum age limits, which shall be  
1 5 prescribed and published in advance by the commission and  
1 6 posted in the city hall, shall hold examinations for the  
1 7 purpose of determining the qualifications of applicants for  
1 8 positions under civil service, other than promotions, which  
1 9 examinations shall be practical in character and shall relate  
1 10 to matters which will fairly test the mental and physical  
1 11 ability of the applicant to discharge the duties of the  
1 12 position to which the applicant seeks appointment. The  
1 13 physical examination of applicants for appointment to the  
1 14 positions of police officer, police matron, or fire fighter  
1 15 shall be held in accordance with medical protocols established  
1 16 by the board of trustees of the fire and police retirement  
1 17 system established by section 411.5 and shall be conducted in  
1 18 accordance with the directives of the board of trustees. In  
1 19 addition, applicants for appointment to the position of fire  
1 20 fighter covered under the fire and police retirement system  
1 21 established by section 411.5 shall, prior to appointment, pay  
1 22 for and successfully complete the candidate physical ability  
1 23 test established by international organizations representing  
1 24 fire chiefs and fire fighters and conducted by an organization  
1 25 licensed by such international organizations to conduct the  
1 26 test in the state. However, the prohibitions of section  
1 27 216.6, subsection 1, paragraph "d", regarding tests for the  
1 28 presence of the antibody to the human immunodeficiency virus  
1 29 shall not apply to such examinations. The board of trustees  
1 30 may change the medical protocols at any time the board so  
1 31 determines. The physical examination of an applicant for the  
1 32 position of police officer, police matron, or fire fighter  
1 33 shall be conducted after a conditional offer of employment has  
1 34 been made to the applicant. An applicant shall not be  
1 35 discriminated against on the basis of height, weight, sex, or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 216 - Introduced continued

2 1 race in determining physical or mental ability of the  
2 2 applicant. Reasonable rules relating to strength, agility,  
2 3 and general health of applicants shall be prescribed. The  
2 4 costs of the physical examination required under this  
2 5 subsection shall be paid from the trust and agency fund of the  
2 6 city.

2 7 EXPLANATION

2 8 This bill requires that fire fighter applicants for  
2 9 appointment as a fire fighter covered by the statewide fire  
2 10 and police retirement system created under Code chapter 411  
2 11 pay for and successfully complete a candidate physical ability  
2 12 test. The bill provides that the test be the one established  
2 13 by international organizations representing fire chiefs and  
2 14 fire fighters and shall be conducted by an organization  
2 15 licensed by the international organizations to conduct the  
2 16 test statewide.

2 17 LSB 2127XS 82

2 18 ec:sc/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 217 - Introduced**

SENATE FILE  
BY DANIELSON

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to emergency medical services training.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1838SS 82
- 4 jr/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 217 - Introduced continued

PAG LIN

1 1 Section 1. Section 147A.4, subsection 2, Code 2007, is  
1 2 amended to read as follows:  
1 3 2. The department shall adopt rules required or authorized  
1 4 by this subchapter pertaining to the examination and  
1 5 certification of emergency medical care providers. These  
1 6 rules shall include, but need not be limited to, requirements  
1 7 concerning prerequisites, training, and experience for  
1 8 emergency medical care providers and procedures for  
1 9 determining when individuals have met these requirements.  
1 10 a. The department shall adopt rules to recognize the  
1 11 previous EMS training and experience of first responders and  
1 12 emergency medical technicians to provide for an equitable  
1 13 transition to the EMT=basic certification. The department may  
1 14 require additional training and examinations as necessary and  
1 15 appropriate to ensure that individuals seeking certification  
1 16 have met the EMT=basic knowledge and skill requirements.  
1 17 b. The rules adopted by the department related to training  
1 18 shall do all of the following:  
1 19 (1) Allow the instructor of a training class the same  
1 20 educational credit as the class membership.  
1 21 (2) Allow credit for both formal and informal credit  
1 22 through internet-based training.  
1 23 (3) Structure recertification requirements so that all  
1 24 members of an ambulance, rescue, or first response service may  
1 25 recertify during the same period.  
1 26 (4) Establish a minimum basic training schedule.

1 27 EXPLANATION

1 28 Current law provides that an ambulance, rescue, or first  
1 29 response service in this state that desires to provide  
1 30 emergency medical care in the out-of-hospital setting must  
1 31 have a program approved by the department of public health.  
1 32 The department of public health has established training  
1 33 requirements as part of the approval process.  
1 34 This bill mandates that the rules regulating the required  
1 35 training allow the program instructor credit for teaching,



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 217 - Introduced continued

2 1 allow credit for internet training, allow all members of a  
2 2 particular service to recertify during the same period, and  
2 3 establish a minimum basic training schedule.  
2 4 LSB 1838SS 82  
2 5 jr:nh/je/5



Iowa General Assembly  
 Daily Bills, Amendments & Study Bills  
 February 19, 2007

**Senate File 218 - Introduced**

SENATE FILE

BY DANIELSON, ZIEMAN, HAHN, BOLKCOM,  
 RAGAN, HANCOCK, ZAUN, KETTERING,  
 HOUSER, GASKILL, SCHOENJAHN,  
 BLACK, COURTNEY, DEARDEN, LUNDBY,  
 FRAISE, MULDER, KREIMAN, HORN,  
 CONNOLLY, STEWART, DOTZLER,  
 DVORSKY, WARNSTADT, McCOY,  
 RIELLY, OLIVE, APPEL, KIBBIE,  
 WOOD, SCHMITZ, and BEALL

Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
           Approved

Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act concerning the licensure, operation, and taxation of card  
 2 game tournaments by organizations representing veterans and  
 3 allowable prizes at annual game nights.  
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 5 TLSB 1815XS 82  
 6 ec/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 218 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 99B.7B CARD GAME TOURNAMENTS  
1 2 CONDUCTED BY QUALIFIED ORGANIZATIONS REPRESENTING VETERANS.  
1 3 1. As used in this section, unless the context otherwise  
1 4 requires:  
1 5 a. "Card game" means only poker, pinochle, pitch, gin  
1 6 rummy, bridge, euchre, hearts, or cribbage.  
1 7 b. "Qualified organization representing veterans" means  
1 8 any licensed organization representing veterans, which is a  
1 9 post, branch, or chapter of a national association of veterans  
1 10 of the armed forces of the United States which is a federally  
1 11 chartered corporation, dedicates the net receipts of a game of  
1 12 skill, game of chance, or raffle as provided in section 99B.7,  
1 13 is exempt from federal income taxes under section 501(c)(19)  
1 14 of the Internal Revenue Code as defined in section 422.3, has  
1 15 an active membership of not less than twelve persons, and does  
1 16 not have a self-perpetuating governing body and officers.  
1 17 2. Notwithstanding any provision of this chapter to the  
1 18 contrary, card game tournaments lawfully may be conducted by a  
1 19 qualified organization representing veterans if all of the  
1 20 following are complied with:  
1 21 a. The organization conducting the card game tournament  
1 22 has been issued a license pursuant to subsection 4 and  
1 23 prominently displays that license in the playing area of the  
1 24 card game tournament.  
1 25 b. The card games to be conducted during a card game  
1 26 tournament, including the rules of each card game and how  
1 27 winners are determined, shall be displayed prominently in the  
1 28 playing area of the card game tournament. Each card game  
1 29 shall be conducted in a fair and honest manner and shall not  
1 30 be operated on a build-up or pyramid basis. Every participant  
1 31 in a card game tournament must be given the same chances of  
1 32 winning the tournament and shall not be allowed any second  
1 33 chance entries or multiple entries in the card game  
1 34 tournament.  
1 35 c. Participation in a card game tournament conducted by a



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate File 218 - Introduced continued

2 1 qualified organization representing veterans shall only be  
2 2 open to members of the qualified organization representing  
2 3 veterans and guests of members of the qualified organization  
2 4 participating in the tournament. The cost to participate in a  
2 5 card game tournament shall be limited to one hundred dollars  
2 6 and shall be the same for every participant in the card game  
2 7 tournament. Participants in a card game tournament shall be  
2 8 at least twenty-one years of age.

2 9 d. Cash or merchandise prizes may be awarded during a card  
2 10 game tournament and shall not exceed one thousand dollars and  
2 11 no participant shall win more than a total of five hundred  
2 12 dollars. A qualified organization representing veterans shall  
2 13 distribute amounts awarded as prizes on the day they are won  
2 14 and merchandise prizes shall not be repurchased. An  
2 15 organization conducting a card game tournament shall only  
2 16 display prizes in the playing area of the card game tournament  
2 17 that can be won.

2 18 e. The qualified organization representing veterans shall  
2 19 conduct each card game tournament and any card game conducted  
2 20 during the tournament and shall not contract with or permit  
2 21 another person to conduct the card game tournament or any card  
2 22 game during the tournament.

2 23 f. No person receives or has any fixed or contingent right  
2 24 to receive, directly or indirectly, any profit, remuneration,  
2 25 or compensation from or related to a game in a card game  
2 26 tournament, except any amount which the person may win as a  
2 27 participant on the same basis as the other participants.

2 28 g. A qualified organization representing veterans licensed  
2 29 under this section shall not hold more than one card game  
2 30 tournament per week. Card game tournaments held under an  
2 31 annual game night license shall not count toward the limit of  
2 32 one card game tournament per week for a license holder. A  
2 33 qualified organization representing veterans shall be allowed  
2 34 to hold only one card game tournament during any  
2 35 twenty-four-hour period.



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate File 218 - Introduced continued

3 1 h. At the conclusion of each card game tournament, the  
3 2 person conducting the card game tournament shall announce the  
3 3 gross receipts received, the total amount of money withheld  
3 4 for expenses, and the amount withheld for state taxes.

3 5 i. The person conducting the card game tournament does  
3 6 none of the following:

3 7 (1) Hold, currently, another license issued under this  
3 8 section.

3 9 (2) Own or control, directly or indirectly, any class of  
3 10 stock of another person who has been issued a license to  
3 11 conduct games under this section.

3 12 (3) Have, directly or indirectly, an interest in the  
3 13 ownership or profits of another person who has been issued a  
3 14 license to conduct games under this section.

3 15 3. The qualified organization representing veterans  
3 16 licensed to hold card game tournaments under this section  
3 17 shall keep a journal of all dates of events, amount of gross  
3 18 receipts, amount given out as prizes, expenses, amount  
3 19 collected for taxes, and the amount collected as revenue.

3 20 a. The amount collected by the qualified organization  
3 21 representing veterans as revenue shall be no less than ten  
3 22 percent of the gross receipts collected from each event.

3 23 b. Each qualified organization representing veterans shall  
3 24 withhold that portion of the gross receipts subject to  
3 25 taxation pursuant to section 423.2, subsection 4, which shall  
3 26 be kept in a separate account and sent to the state along with  
3 27 the organization's quarterly report.

3 28 c. A qualified organization representing veterans licensed  
3 29 to conduct card game tournaments is allowed to withhold no  
3 30 more than five percent of the gross receipts from each card  
3 31 game tournament for qualified expenses. Qualified expenses  
3 32 include but are not limited to the purchase of supplies and  
3 33 materials used in conducting card games. Any money collected  
3 34 for expenses and not used by the end of the calendar year  
3 35 shall be donated for educational, civic, public, charitable,



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 218 - Introduced continued

4 1 patriotic, or religious uses as described in section 99B.7,  
4 2 subsection 3, paragraph "b". The qualified organization  
4 3 representing veterans shall attach a receipt for any donation  
4 4 made to the fourth quarter quarterly report required to be  
4 5 submitted pursuant to section 99B.2.

4 6 d. Each qualified organization representing veterans  
4 7 licensed under this section shall make recordkeeping and all  
4 8 deposit receipts available as provided in section 99B.2,  
4 9 subsection 2.

4 10 4. An organization wishing to conduct card game  
4 11 tournaments pursuant to this section as a qualified  
4 12 organization representing veterans shall submit an application  
4 13 and annual license fee of one hundred dollars to the  
4 14 department.

4 15 Sec. 2. Section 99B.8, Code 2007, is amended by adding the  
4 16 following new subsection:

4 17 NEW SUBSECTION. 6. a. Notwithstanding any provision of  
4 18 section 99B.7 to the contrary, if the games are conducted by  
4 19 an eligible qualified organization issued a license pursuant  
4 20 to subsection 3, the sponsor may award cash or merchandise  
4 21 prizes in any game of skill, game of chance, or card game  
4 22 lawfully conducted during the annual game night in an amount  
4 23 not to exceed ten thousand dollars and no participant shall  
4 24 win more than a total of five thousand dollars.

4 25 b. For purposes of this subsection, an "eligible qualified  
4 26 organization" means any of the following:

4 27 (1) A qualified organization representing veterans as  
4 28 defined in section 99B.7B.

4 29 (2) A qualified organization that primarily represents  
4 30 volunteer emergency services providers as defined in section  
4 31 100B.31.

4 32 (3) A qualified organization that is exempt from federal  
4 33 income tax under section 501(c)(3) of the Internal Revenue  
4 34 Code and that has conducted an annual game night during the  
4 35 period beginning January 1, 2001, and ending December 31,



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 218 - Introduced continued

5 1 2006.

5 2 Sec. 3. Section 99B.9, subsection 1, unnumbered paragraph  
5 3 1, Code 2007, is amended to read as follows:

5 4 Except as otherwise permitted by section 99B.3, 99B.5,  
5 5 99B.6, 99B.7, 99B.7B, 99B.8, 99B.11, or 99B.12A, it is  
5 6 unlawful to permit gambling on any premises owned, leased,  
5 7 rented, or otherwise occupied by a person other than a  
5 8 government, governmental agency, or governmental subdivision,  
5 9 unless all of the following are complied with:

5 10 Sec. 4. Section 99B.12, subsection 1, unnumbered paragraph  
5 11 1, Code 2007, is amended to read as follows:

5 12 Except in instances where because of the location of the  
5 13 game or the circumstances of the game section 99B.3, section  
5 14 99B.5, section 99B.6, section 99B.7, section 99B.7B, section  
5 15 99B.8, or section 99B.9 is applicable, individuals may  
5 16 participate in gambling specified in subsection 2, but only if  
5 17 all of the following are complied with:

5 18 Sec. 5. Section 423.2, subsection 4, Code 2007, is amended  
5 19 to read as follows:

5 20 4. A tax of five percent is imposed upon the sales price  
5 21 derived from the operation of all forms of amusement devices  
5 22 and games of skill, games of chance, raffles, and bingo games  
5 23 as defined in chapter 99B, and card game tournaments conducted  
5 24 under section 99B.7B, that are operated or conducted within  
5 25 the state, the tax to be collected from the operator in the  
5 26 same manner as for the collection of taxes upon the sales  
5 27 price of tickets or admission as provided in this section.  
5 28 Nothing in this subsection shall legalize any games of skill  
5 29 or chance or slot-operated devices which are now prohibited by  
5 30 law.

5 31 The tax imposed under this subsection covers the total  
5 32 amount from the operation of games of skill, games of chance,  
5 33 raffles, and bingo games as defined in chapter 99B, card game  
5 34 tournaments conducted under section 99B.7B, and musical  
5 35 devices, weighing machines, shooting galleries, billiard and



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 218 - Introduced continued

6 1 pool tables, bowling alleys, pinball machines, slot-operated  
6 2 devices selling merchandise not subject to the general sales  
6 3 taxes and on the total amount from devices or systems where  
6 4 prizes are in any manner awarded to patrons and upon the  
6 5 receipts from fees charged for participation in any game or  
6 6 other form of amusement, and generally upon the sales price  
6 7 from any source of amusement operated for profit, not  
6 8 specified in this section, and upon the sales price from which  
6 9 tax is not collected for tickets or admission, but tax shall  
6 10 not be imposed upon any activity exempt from sales tax under  
6 11 section 423.3, subsection 78. Every person receiving any  
6 12 sales price from the sources described in this section is  
6 13 subject to all provisions of this subchapter relating to  
6 14 retail sales tax and other provisions of this chapter as  
6 15 applicable.

6 16 EXPLANATION

6 17 This bill provides for the operation of card game  
6 18 tournaments by qualified organizations representing veterans  
6 19 and allowable prizes at annual game nights conducted by  
6 20 certain authorized organizations.

6 21 The bill establishes new Code section 99B.7B, providing for  
6 22 card game tournaments conducted by a qualified organization  
6 23 representing veterans. The bill defines "card game" to mean  
6 24 only poker, pinochle, pitch, gin rummy, bridge, euchre,  
6 25 hearts, or cribbage. The bill provides that only qualified  
6 26 organizations representing veterans can conduct a card game  
6 27 tournament and provides for a \$100 annual license fee. The  
6 28 bill requires the organization to display the card games to be  
6 29 conducted during a tournament, including the rules and manner  
6 30 of determining winners for each game. The bill provides that  
6 31 participation in a tournament shall be open to members and  
6 32 guests of the qualified organization and the cost to  
6 33 participate shall not be more than \$100. A person under age  
6 34 21 cannot participate.

6 35 The bill provides that cash or merchandise of up to \$1,000



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate File 218 - Introduced continued

7 1 can be awarded at a tournament and no participant shall win  
7 2 more than a total of \$500. The bill also provides that an  
7 3 organization holding a license can hold no more than one  
7 4 tournament a week and only one tournament can be conducted by  
7 5 a qualified organization in any 24-hour period. Card game  
7 6 tournaments held under an annual game night license shall not  
7 7 count toward the number of tournaments allowed. The bill also  
7 8 provides that the qualified organization licensed to conduct  
7 9 card game tournaments shall keep records of the dates of  
7 10 events, the amount of gross receipts, the amount of prizes  
7 11 awarded, expenses, amount collected for taxes, and revenue  
7 12 collected for conducting card game tournaments. The bill  
7 13 requires qualified organizations to collect at least 10  
7 14 percent of gross receipts collected from each event as revenue  
7 15 and to withhold no more than 5 percent of gross receipts for  
7 16 expenses incurred in holding card game tournaments. Of the  
7 17 amount withheld for expenses, any amounts collected but unused  
7 18 for expenses by the end of a calendar year shall be donated  
7 19 for charitable purposes. Any amounts donated shall be  
7 20 indicated on the quarterly reports required to be submitted to  
7 21 the department of inspection and appeals pursuant to Code  
7 22 section 99B.2.  
7 23 Code section 99B.8, concerning annual game nights, is also  
7 24 amended to allow certain eligible qualified organizations to  
7 25 award cash or merchandise prizes of up to a total of \$10,000  
7 26 with no more than \$5,000 awarded to any participant. The bill  
7 27 defines eligible qualified organizations as a qualified  
7 28 organization representing veterans, a qualified organization  
7 29 representing volunteer emergency services providers, and a  
7 30 qualified organization exempt from federal taxes under section  
7 31 501(c)(3) of the Internal Revenue Code that has held a game  
7 32 night between January 1, 2001, and December 31, 2006.  
7 33 The bill further amends Code section 423.2, concerning  
7 34 sales taxes, to specifically provide that sales taxes shall be  
7 35 imposed on card game tournaments in the same manner as for



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 218 - Introduced continued

8 1 other games as defined in Code chapter 99B.  
8 2 LSB 1815XS 82  
8 3 ec:nh/es/88.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 219 - Introduced**

SENATE FILE  
BY DANIELSON

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act concerning social gambling by religious institutions.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1808SS 82
- 4 ec/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 219 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 99B.12B RELIGIOUS INSTITUTIONS  
1 2 == LICENSING EXCEPTIONS.  
1 3 1. A religious institution that is an organization that is  
1 4 exempt from federal income taxes under section 501(c)(3) of  
1 5 the Internal Revenue Code as defined in section 422.3 is  
1 6 authorized to conduct a bingo occasion, annual carnival game,  
1 7 or a raffle without a license as otherwise required by this  
1 8 chapter if all of the following requirements are met:  
1 9 a. Participants are not charged to enter the premises  
1 10 where the bingo occasion or raffle is conducted.  
1 11 b. Participants in the bingo occasion or annual carnival  
1 12 game are not charged to play once the participant has entered  
1 13 the premises where the event is conducted.  
1 14 c. Any prize awarded shall not exceed five hundred  
1 15 dollars.  
1 16 d. The total revenues raised by a religious institution  
1 17 during any calendar year from games conducted pursuant to this  
1 18 section shall not exceed one thousand dollars.  
1 19 2. For purposes of this section, an "annual carnival game"  
1 20 means games of skill and games of chance conducted during a  
1 21 period of twelve consecutive hours once each year by the  
1 22 religious institution.

1 23 EXPLANATION

1 24 This bill permits a religious institution to conduct a  
1 25 bingo occasion, raffle, or annual carnival game without  
1 26 obtaining a license if certain requirements are met. The  
1 27 requirements established by the bill are that participants  
1 28 shall not be charged admission to a bingo occasion, or a  
1 29 raffle, that participants in bingo or an annual carnival game  
1 30 shall not be charged to play, that any prize awarded shall not  
1 31 exceed \$500, and that total revenues raised by a religious  
1 32 institution in a year shall not exceed \$1,000. The bill  
1 33 defines an annual carnival game as games of skill and games of  
1 34 chance conducted during a period of 12 consecutive hours once  
1 35 each year by the religious institution.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate File 219 - Introduced continued

2 1 LSB 1808SS 82  
2 2 ec:nh/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 220 - Introduced**

SENATE FILE  
BY DANIELSON

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

**A BILL FOR**

- 1 An Act allowing a resident deer hunter to use a first shotgun
- 2 season deer hunting license during the second shotgun deer
- 3 hunting season to fill an unused tag.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1809SS 82
- 6 av/je/5

PAG LIN



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 219 - Introduced continued

1 1 Section 1. Section 483A.8, subsection 2, Code 2007, is  
1 2 amended to read as follows:  
1 3 2. The deer hunting license shall be accompanied by a tag  
1 4 designed to be used only once. When a deer is taken, the deer  
1 5 shall be tagged and the tag shall be dated. If the commission  
1 6 establishes a first shotgun deer hunting season and a second  
1 7 shotgun deer hunting season, a resident who is issued a deer  
1 8 hunting license for the first shotgun deer hunting season and  
1 9 does not take a deer during that season may use the deer  
1 10 hunting license and unused tag during the second shotgun deer  
1 11 hunting season to take either an antlered or antlerless deer.

1 12 EXPLANATION

1 13 This bill allows a resident deer hunter, who is issued a  
1 14 deer hunting license for the first shotgun deer hunting season  
1 15 and does not take a deer, to use that license and the unused  
1 16 tag during the second shotgun deer hunting season to take  
1 17 either an antlered or antlerless deer.  
1 18 LSB 1809SS 82  
1 19 av:nh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 221 - Introduced**

SENATE FILE  
BY DANIELSON

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act providing a sales tax exemption for the construction and
- 2 operation of nonprofit organizations that receive and
- 3 distribute food.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1806SS 82
- 6 ak/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 221 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2007, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 88A. The sales price from the sale of  
1 4 building materials, supplies, goods, wares, or merchandise  
1 5 sold and services provided to a nonprofit organization whose  
1 6 primary activity is to receive and distribute food to persons  
1 7 in need.

1 8 EXPLANATION  
1 9 This bill exempts from sales tax the sale of materials and  
1 10 services provided for construction and operation of a facility  
1 11 for a nonprofit organization whose primary activity is to  
1 12 receive and distribute food to persons in need.  
1 13 LSB 1806SS 82  
1 14 ak:sc/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate File 222 - 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 the Iowa economic emergency fund and the cash  
2 reserve fund by increasing the maximum balances of the funds  
3 and authorizing a contingent appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2255SS 82  
6 jp/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 222 - Introduced continued

PAG LIN

1 1 Section 1. Section 8.55, subsection 2, paragraph a, Code  
1 2 2007, is amended to read as follows:

1 3 a. The maximum balance of the fund is the amount equal to  
1 4 ~~two and one-half~~ ten percent of the adjusted revenue estimate  
1 5 for the fiscal year. If the amount of moneys in the Iowa  
1 6 economic emergency fund is equal to the maximum balance,  
1 7 moneys in excess of this amount shall be transferred to the  
1 8 general fund.

1 9 Sec. 2. Section 8.55, subsection 3, paragraph a, Code  
1 10 2007, is amended to read as follows:

1 11 a. Except as provided in paragraphs "b", "bb", and "c",  
1 12 the moneys in the Iowa economic emergency fund shall only be  
1 13 used pursuant to an appropriation made by the general  
1 14 assembly. An appropriation shall only be made for the fiscal  
1 15 year in which the appropriation is made. The moneys shall  
1 16 only be appropriated by the general assembly for emergency  
1 17 expenditures.

1 18 Sec. 3. Section 8.55, subsection 3, Code 2007, is amended  
1 19 by adding the following new paragraph:

1 20 NEW PARAGRAPH. bb. There is appropriated from the Iowa  
1 21 economic emergency fund to the general fund of the state an  
1 22 amount sufficient to reduce or prevent an overdraft on or  
1 23 deficit in the general fund of the state for the fiscal year  
1 24 in which the appropriation is made. The appropriation made in  
1 25 this paragraph shall not exceed an amount equal to twenty  
1 26 percent of the unobligated and unencumbered balance in the  
1 27 fund on the date the appropriation is made and is contingent  
1 28 upon all of the following having occurred:

1 29 (1) The governor projects that the appropriation is  
1 30 necessary to preclude implementation of or to reduce the  
1 31 amount of the uniform reductions in appropriations otherwise  
1 32 required pursuant to section 8.31 to prevent an overdraft on  
1 33 or deficit in the general fund of the state.

1 34 (2) The governor projects that without the appropriation,  
1 35 the balance of the general fund of the state at the close of



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 222 - Introduced continued

2 1 the fiscal year will be negative.

2 2 (3) The general assembly is not in regular or  
2 3 extraordinary session.

2 4 (4) The governor has issued an official proclamation and  
2 5 has notified the co-chairpersons of the fiscal committee of  
2 6 the legislative council and the legislative services agency  
2 7 verifying the contingencies addressed in subparagraphs (1)  
2 8 through (3) and outlining the reasons why the appropriation  
2 9 authorized in this paragraph "bb" is necessary to prevent an  
2 10 overdraft on or deficit in the general fund of the state. The  
2 11 appropriation amount shall be identified in the proclamation.  
2 12 The effective date of the appropriation is the date the  
2 13 proclamation is published in the Iowa administrative bulletin.

2 14 Sec. 4. Section 8.56, subsection 4, paragraph b, Code  
2 15 2007, is amended to read as follows:

2 16 b. In addition to the requirements of paragraph "a", an  
2 17 appropriation shall not be made from the cash reserve fund  
2 18 which would cause the fund's balance to be less than ~~three and~~  
~~2 19 three-fourths~~ five percent of the adjusted revenue estimate  
2 20 for the year for which the appropriation is made unless the  
2 21 bill or joint resolution is approved by vote of at least  
2 22 three-fifths of the members of both chambers of the general  
2 23 assembly and is signed by the governor.

2 24 Sec. 5. Section 8.57, subsection 1, paragraph a, Code  
2 25 2007, is amended to read as follows:

2 26 a. The "cash reserve goal percentage" for fiscal years  
2 27 beginning on or after July 1, ~~2004~~ 2007, is ~~seven and one-half~~  
2 28 ten percent of the adjusted revenue estimate. For each fiscal  
2 29 year in which the appropriation of the surplus existing in the  
2 30 general fund of the state at the conclusion of the prior  
2 31 fiscal year pursuant to paragraph "b" was not sufficient for  
2 32 the cash reserve fund to reach the cash reserve goal  
2 33 percentage for the current fiscal year, there is appropriated  
2 34 from the general fund of the state an amount to be determined  
2 35 as follows:



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 222 - Introduced continued

3 1 (1) If the balance of the cash reserve fund in the current  
3 2 fiscal year is not more than ~~six and one-half~~ nine percent of  
3 3 the adjusted revenue estimate for the current fiscal year, the  
3 4 amount of the appropriation under this lettered paragraph is  
3 5 one percent of the adjusted revenue estimate for the current  
3 6 fiscal year.

3 7 (2) If the balance of the cash reserve fund in the current  
3 8 fiscal year is more than ~~six and one-half~~ nine percent but  
3 9 less than ~~seven and one-half~~ ten percent of the adjusted  
3 10 revenue estimate for that fiscal year, the amount of the  
3 11 appropriation under this lettered paragraph is the amount  
3 12 necessary for the cash reserve fund to reach ~~seven and~~  
~~3 13 one-half~~ ten percent of the adjusted revenue estimate for the  
3 14 current fiscal year.

3 15 (3) The moneys appropriated under this lettered paragraph  
3 16 shall be credited in equal and proportionate amounts in each  
3 17 quarter of the current fiscal year.

3 18 EXPLANATION

3 19 This bill relates to the Iowa economic emergency fund and  
3 20 the cash reserve fund by increasing the maximum balances of  
3 21 the funds and authorizes a contingent appropriation.

3 22 Current law establishes the maximum balance of the Iowa  
3 23 economic emergency fund under Code section 8.55 for a fiscal  
3 24 year at 2.5 percent of the adjusted revenue estimate for the  
3 25 fiscal year under the state general fund expenditure  
3 26 limitation law. Under the expenditure limitation law, the  
3 27 adjusted revenue estimate is calculated from the appropriate  
3 28 estimate issued for a fiscal year by the revenue estimating  
3 29 conference, and subtracting tax revenues and adding new  
3 30 revenue. Current law establishes the maximum balance of the  
3 31 cash reserve fund under Code section 8.56 for a fiscal year by  
3 32 applying the cash reserve goal percentage under Code section  
3 33 8.57 to the adjusted revenue estimate for the fiscal year.  
3 34 Under current law, the cash reserve goal percentage is 7.5  
3 35 percent. The bill changes the applicable percentages used to



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate File 222 - Introduced continued

4 1 establish the maximum balances for both funds to 10 percent.  
4 2 The bill includes a conforming amendment to language for  
4 3 the cash reserve fund in Code section 8.56 which prohibits an  
4 4 appropriation from the fund which would cause the fund balance  
4 5 to fall below a percentage equal to one half of the maximum  
4 6 percentage. The bill increases that percentage from 3.75 to 5  
4 7 percent.  
4 8 The bill also amends the Iowa economic emergency fund  
4 9 provisions to authorize a new contingent appropriation of up  
4 10 to 20 percent of the available balance of the Iowa economic  
4 11 emergency fund to the general fund of the state. An existing  
4 12 contingent appropriation for a similar purpose may only be  
4 13 made at the close of the fiscal year. The new appropriation  
4 14 is contingent upon the following: the governor projecting  
4 15 that the appropriation is necessary to preclude the governor  
4 16 from ordering an across-the-board appropriation reduction in  
4 17 accordance with Code section 8.31, the governor projecting  
4 18 that without the appropriation the balance of the general fund  
4 19 will be negative at the close of the fiscal year, the general  
4 20 assembly is not in regular or extraordinary session, and the  
4 21 governor verifies these contingencies in an official  
4 22 proclamation which states the reasons why the appropriation is  
4 23 necessary to prevent an overdraft on or deficit in the general  
4 24 fund of the state.  
4 25 The proclamation is required to identify the amount of the  
4 26 appropriation and the appropriation takes effect on the date  
4 27 the proclamation is published in the Iowa administrative  
4 28 bulletin.  
4 29 LSB 2255SS 82  
4 30 jp:nh/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

**Senate Study Bill 1245**

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

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to the regulation of snowmobiles and all-terrain
- 2 vehicles, and providing fees and penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1411DP 82
- 5 dea/es/88



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

PAG LIN

1 1 Section 1. Section 321.234A, subsection 3, Code 2007, is  
1 2 amended to read as follows:  
1 3 3. An all-terrain vehicle that is owned by the owner of  
1 4 land adjacent to a highway, other than an interstate road, may  
1 5 be operated by the owner of the all-terrain vehicle, or by a  
1 6 member of the owner's family, on the portion of the highway  
1 7 right-of-way that is between the shoulder of the roadway, or  
1 8 at least five feet from the edge of the roadway, and the  
1 9 owner's property line. A person operating an all-terrain  
1 10 vehicle within the highway right-of-way under this subsection  
1 11 shall comply with the registration, safety, and age  
1 12 requirements under chapter 321I.  
1 13 Sec. 2. Section 321G.1, Code 2007, is amended by adding  
1 14 the following new subsections:  
1 15 NEW SUBSECTION. 5A. "Director" means the director of the  
1 16 department.  
1 17 NEW SUBSECTION. 5B. "Distributor" means a person,  
1 18 resident or nonresident, who sells or distributes snowmobiles  
1 19 to snowmobile dealers in this state or who maintains  
1 20 distributor representatives.  
1 21 Sec. 3. Section 321G.2, Code 2007, is amended by adding  
1 22 the following new subsection:  
1 23 NEW SUBSECTION. 8. Issuance of annual user permits for  
1 24 nonresidents and establishment of administrative fees for  
1 25 issuance of the permits.  
1 26 Sec. 4. Section 321G.3, Code 2007, is amended to read as  
1 27 follows:  
1 28 321G.3 REGISTRATION AND NUMBERING REQUIRED == PENALTIES.  
1 29 1. Each snowmobile used on public land or ice of this  
1 30 state shall be currently registered ~~and numbered~~. A person  
1 31 shall not operate, maintain, or give permission for the  
1 32 operation or maintenance of a snowmobile on public land or ice  
1 33 unless the snowmobile is ~~numbered~~ registered in accordance  
1 34 with this chapter or applicable federal laws, or the  
1 35 snowmobile displays a current annual user permit decal issued



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

2 1 for the snowmobile as provided in section 321G.4A. ~~If the~~  
2 2 ~~snowmobile is required to be registered in this state, the~~  
2 3 ~~identifying number set forth in the registration shall be~~  
2 4 ~~displayed as prescribed by rules of the commission.~~  
2 5 2. A registration ~~number~~ certificate and registration  
2 6 decal shall be assigned, without payment of fee, to  
2 7 snowmobiles owned by the state of Iowa or its political  
2 8 subdivisions ~~upon application for the number, and the assigned~~  
2 9 registration number. The registration decal shall be  
2 10 displayed on the snowmobile as required under section 321G.5.  
2 11 A registration ~~number~~ and certificate shall be assigned,  
2 12 without payment of a registration fee, ~~to~~ for a snowmobile  
2 13 which is exempt from registration but is being titled, upon  
2 14 payment of a writing fee as provided in section 321G.27 and an  
2 15 administrative fee. A registration decal ~~displaying an audit~~  
2 16 ~~number~~ shall not be issued and the registration shall not  
2 17 expire while the snowmobile is exempt. The application for  
2 18 registration and the registration certificate shall indicate  
2 19 the reason for exemption from the registration fee. ~~The~~  
2 20 registration certificate shall indicate the reason for  
2 21 exemption.  
2 22 3. A violation of subsection 1 or 2 is punishable as a  
2 23 scheduled violation under section 805.8B, subsection 2,  
2 24 paragraph "a". When the scheduled fine is paid, the violator  
2 25 shall submit proof to the department that a valid registration  
2 26 or user permit has been obtained by providing a copy of the  
2 27 registration or user permit to the department within thirty  
2 28 days of the date the fine is paid. A person who violates this  
2 29 subsection is guilty of a simple misdemeanor.  
2 30 Sec. 5. Section 321G.4, Code 2007, is amended to read as  
2 31 follows:  
2 32 321G.4 REGISTRATION == FEE.  
2 33 1. The owner of each snowmobile required to be ~~numbered~~  
2 34 registered shall register it annually with the department  
2 35 through ~~the~~ a county recorder of the county in which the owner



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

~~Senate Study Bill 1245 continued~~

~~3 1 resides or, if the owner is a nonresident, the owner shall~~  
~~3 2 register it in the county in which the snowmobile is~~  
~~3 3 principally used. The department shall develop and maintain~~  
3 4 an electronic system for the registration of snowmobiles  
3 5 pursuant to this chapter. The department shall establish  
3 6 forms and procedures as necessary for the registration of  
3 7 snowmobiles.  
3 8 2. The owner of the snowmobile shall file an application  
3 9 for registration with the department through ~~the appropriate a~~  
3 10 county recorder in the manner established by the commission.  
3 11 The application shall be completed ~~and signed~~ by the owner and  
3 12 shall be accompanied by a fee of fifteen dollars and a writing  
3 13 fee as provided in section 321G.27. A snowmobile shall not be  
3 14 registered by the county recorder until the county recorder is  
3 15 presented with receipts, bills of sale, or other satisfactory  
3 16 evidence that the sales or use tax has been paid for the  
3 17 purchase of the snowmobile or that the owner is exempt from  
3 18 paying the tax. A snowmobile that has an expired registration  
3 19 certificate from another state may be registered in this state  
3 20 upon proper application, payment of all applicable  
3 21 registration and writing fees, and payment of a penalty of  
3 22 five dollars.  
3 23 3. Upon receipt of the application in approved form  
3 24 accompanied by the required fees, the county recorder shall  
3 25 ~~register the snowmobile with the department and issue to the~~  
3 26 applicant a registration certificate and registration decal.  
3 27 ~~The registration certificate shall bear the number awarded to~~  
~~3 28 the snowmobile and the name and address of the owner. The~~  
3 29 registration decal shall be displayed on the snowmobile as  
3 30 provided in section 321G.5. The registration certificate  
3 31 shall be carried either in the snowmobile or on the person of  
3 32 the operator of the snowmobile when in use. The operator of a  
3 33 snowmobile shall exhibit the registration certificate to a  
3 34 peace officer upon request, to a person injured in an accident  
3 35 involving a snowmobile, to the owner or operator of another



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

4 1 snowmobile or the owner of personal or real property when the  
4 2 snowmobile is involved in a collision or accident of any  
4 3 nature with another snowmobile or the property of another  
4 4 person, or to the property owner or tenant when the snowmobile  
4 5 is being operated on private property without permission from  
4 6 the property owner or tenant.

~~4 7 4. If a snowmobile is placed in storage, the owner shall  
4 8 return the current registration certificate to the county  
4 9 recorder with an affidavit stating that the snowmobile is  
4 10 placed in storage and the effective date of storage. The  
4 11 county recorder shall notify the department of each snowmobile  
4 12 placed in storage. When the owner of a stored snowmobile  
4 13 desires to renew the registration, the owner shall make  
4 14 application through the county recorder and pay the  
4 15 registration and writing fees without penalty. A refund of  
4 16 the registration fee shall not be allowed for a stored  
4 17 snowmobile.~~

4 18 ~~5.~~ 4. Notwithstanding subsections 1 and 2, a snowmobile  
4 19 that is more than thirty years old may be registered for a  
4 20 one-time fee of twenty-five dollars, which shall exempt the  
4 21 owner from annual registration and fee requirements for that  
4 22 snowmobile. However, if ownership of such a snowmobile is  
4 23 transferred, the new owner shall register the snowmobile and  
4 24 pay the one-time fee as required under this subsection.

4 25 Sec. 6. Section 321G.4A, Code 2007, is amended to read as  
4 26 follows:

4 27 321G.4A NONRESIDENT USER PERMITS.

4 28 1. A nonresident wishing to operate a snowmobile, other  
4 29 than a snowmobile registered pursuant to this chapter, on  
4 30 public land or ice of this state shall first obtain a user  
4 31 permit from the department. A user permit shall be issued for  
4 32 the snowmobile specified at the time of application and is not  
4 33 transferable. A user permit shall be valid for the calendar  
4 34 year or time period specified in the permit.

4 35 ~~2. User permits may be issued by a~~ A county recorder or a



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

5 1 license agent ~~pursuant to rules adopted by the commission~~  
5 2 designated by the director pursuant to section 483A.11 may  
5 3 issue user permits. The fee for a user permit shall be  
5 4 fifteen dollars plus an administrative fee established by the  
5 5 commission. A county recorder or a license agent shall retain  
5 6 a writing fee ~~of one dollar~~ from the sale of each user permit  
5 7 ~~issued by the county recorder's office as provided in section~~  
5 8 ~~321G.27. The writing fees retained by the county recorder~~  
~~5 9 shall be deposited in the general fund of the county. A~~  
~~5 10 license agent designated by the director pursuant to section~~  
~~5 11 483A.11 shall retain a writing fee of one dollar from the sale~~  
~~5 12 of each permit issued by the agent.~~

5 13 Sec. 7. Section 321G.5, Code 2007, is amended to read as  
5 14 follows:

5 15 321G.5 DISPLAY OF IDENTIFICATION NUMBERS REGISTRATION AND  
5 16 USER PERMIT DECALS.

5 17 The owner shall display the ~~identification number~~  
5 18 registration decal or nonresident user permit decal on a  
5 19 snowmobile in the manner prescribed by the rules of the  
5 20 commission.

5 21 Sec. 8. Section 321G.6, Code 2007, is amended to read as  
5 22 follows:

5 23 321G.6 REGISTRATION == RENEWAL == TRANSFER.

5 24 1. Every snowmobile registration certificate and ~~number~~  
5 25 registration decal issued expires at midnight December 31  
5 26 unless sooner terminated or discontinued in accordance with  
5 27 this chapter or rules of the commission. After the first day  
5 28 of September each year, an unregistered snowmobile may be  
5 29 registered and a registration may be renewed in one  
5 30 transaction. The fee is five dollars for the remainder of the  
5 31 current year, in addition to the registration fee of fifteen  
5 32 dollars for the subsequent year beginning January 1, and a  
5 33 writing fee as provided in section 321G.27.

5 34 2. An expired registration may be renewed for the same fee  
5 35 as if the owner is securing the original registration plus a



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

6 1 penalty of five dollars and a writing fee as provided in  
6 2 section 321G.27.

~~6 3 3. When a person, after registering a snowmobile, moves~~  
~~6 4 from the address shown on the registration certificate, the~~  
~~6 5 person shall, within thirty days, notify the county recorder~~  
~~6 6 in writing of the move and the person's new address.~~

~~6 7 4. Upon the transfer of ownership of a snowmobile, the~~  
~~6 8 owner shall complete the form on the back of the title, if~~  
~~6 9 any, and registration, if any, and deliver both to the~~  
~~6 10 purchaser or transferee when the snowmobile is delivered. If~~  
~~6 11 the snowmobile is not titled, the owner shall complete the~~  
~~6 12 form on the back of the current registration certificate and~~  
~~6 13 shall deliver the certificate to the purchaser or transferee~~  
~~6 14 at the time of delivering the snowmobile. If the snowmobile~~  
~~6 15 has not been titled and has not been registered, the owner~~  
~~6 16 shall deliver an affidavit for an unregistered and untitled~~  
~~6 17 snowmobile to the purchaser or transferee. The purchaser or~~  
~~6 18 transferee shall, within thirty days of transfer, file a new~~  
~~6 19 application form with the county recorder with a fee of one~~  
~~6 20 dollar and the writing fee, and a transfer of number shall be~~  
~~6 21 awarded in the same manner as provided in an original~~  
~~6 22 registration. If the purchaser or transferee does not file a~~  
~~6 23 new application form within thirty days of transfer, the~~  
~~6 24 transfer of number shall be awarded upon payment of all~~  
~~6 25 applicable fees plus a penalty of five dollars.~~  
~~6 26 All registrations must be valid for the current~~  
~~6 27 registration period prior to the transfer of any registration,~~  
~~6 28 including assignment to a dealer.~~

~~6 29 5. 3. Duplicate registrations may be issued upon~~  
6 30 application to the county recorder and the payment of the same  
~~6 31 fees collected for the transfer of registrations~~ a five dollar  
6 32 fee plus a writing fee as provided in section 312G.27.

~~6 33 6. 4. The department shall develop and maintain an~~  
~~6 34 electronic system for residents to renew snowmobile~~  
~~6 35 registrations pursuant to this section. A county recorder or~~



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

7 1 a license agent designated by the director pursuant to section  
7 2 483A.11 may issue snowmobile registration renewals  
7 3 electronically pursuant to rules adopted by the commission.  
7 4 The fee for a registration renewal issued using an electronic  
7 5 system is fifteen dollars plus an administrative fee  
7 6 established by the commission and a writing fee as provided in  
7 7 section 321G.27. A county recorder shall retain a writing fee  
~~7 8 of one dollar and twenty-five cents for each registration~~  
~~7 9 renewal issued by the county recorder's office. The writing~~  
~~7 10 fees retained by the county recorder shall be deposited in the~~  
~~7 11 general fund of the county. A license agent designated by the~~  
~~7 12 director pursuant to section 483A.11 shall retain a writing~~  
~~7 13 fee of one dollar for each registration renewal issued.~~  
7 14 Sec. 9. Section 321G.7, unnumbered paragraph 1, Code 2007,  
7 15 is amended to read as follows:  
7 16 ~~Within ten days after the end of each month, a~~ A county  
7 17 recorder shall remit to the commission the snowmobile fees  
7 18 collected by the recorder ~~during the previous month in the~~  
7 19 manner and time prescribed by the department. Before January  
~~7 20 10 of each year, a recorder shall remit to the commission~~  
~~7 21 unused license forms from the previous year.~~  
7 22 Sec. 10. Section 321G.8, subsections 2 and 3, Code 2007,  
7 23 are amended by striking the subsections.  
7 24 Sec. 11. Section 321G.15, Code 2007, is amended to read as  
7 25 follows:  
7 26 321G.15 OPERATION PENDING REGISTRATION.  
7 27 The commission shall furnish snowmobile dealers with  
7 28 pasteboard cards bearing the words "registration applied for"  
7 29 and space for the date of purchase. An unregistered  
7 30 snowmobile sold by a dealer shall bear one of these cards  
7 31 which entitles the purchaser to operate it for ~~ten~~ forty=five  
7 32 days immediately following the purchase. The purchaser of a  
7 33 registered snowmobile may operate it for ~~ten~~ forty=five days  
7 34 immediately following the purchase, without having completed a  
7 35 transfer of registration. A snowmobile dealer shall make



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

8 1 application and pay all registration and title fees if  
8 2 applicable on behalf of the purchaser of a snowmobile.

8 3 Sec. 12. Section 321G.19, subsection 1, Code 2007, is  
8 4 amended to read as follows:

8 5 1. The owner of a rented snowmobile shall keep a record of  
8 6 the name and address of each person renting the snowmobile,  
8 7 its registration ~~number~~ certificate, the departure date and  
8 8 time, and the expected time of return. The records shall be  
8 9 preserved for six months.

8 10 Sec. 13. Section 321G.21, subsection 2, Code 2007, is  
8 11 amended to read as follows:

8 12 2. ~~Any~~ Every manufacturer, distributor, or dealer ~~may,~~  
~~8 13 upon payment of a fee of fifteen dollars, make~~ shall register  
8 14 with the department by making application to the commission,  
8 15 upon forms prescribed by the commission, for a special  
8 16 registration certificate containing a general identification  
8 17 number and for one or more duplicate special registration  
8 18 certificates. The applicant shall pay a registration fee of  
8 19 fifteen dollars and submit reasonable proof of the applicant's  
8 20 status as a bona fide manufacturer, distributor, or dealer as  
8 21 may be required by the commission.

8 22 Sec. 14. Section 321G.21, subsections 6 and 8, Code 2007,  
8 23 are amended by striking the subsections.

8 24 Sec. 15. Section 321G.21, subsection 9, Code 2007, is  
8 25 amended to read as follows:

8 26 9. ~~If the purchaser or transferee of a snowmobile is a~~  
~~8 27 dealer who holds the same for resale and operates the~~  
~~8 28 snowmobile only for purposes incidental to a resale and~~  
~~8 29 displays the special dealer's certificate, or does not operate~~  
~~8 30 the snowmobile or permit it to be operated, the transferee is~~  
~~8 31 not required to obtain a new registration certificate but upon~~  
~~8 32 transferring title or interest to another person shall sign~~  
~~8 33 the reverse side of the title, if any, and the registration~~  
~~8 34 certificate of the snowmobile indicating the name and address~~  
~~8 35 of the new purchaser.~~ A dealer shall make application and pay

9 1 all registration and title fees if applicable on behalf of the  
9 2 purchaser of a snowmobile. ~~The recorder shall award a~~  
~~9 3 transfer of the registration number.~~ If the registration has  
9 4 expired while in the dealer's possession, the purchaser may  
9 5 renew the registration for the same fee and writing fee as if  
9 6 the purchaser is securing the original registration.

9 7 Sec. 16. Section 321G.21, subsection 10, Code 2007, is  
9 8 amended by striking the subsection.

9 9 Sec. 17. Section 321G.21, Code 2007, is amended by adding  
9 10 the following new subsection:

9 11 NEW SUBSECTION. 12. The department may adopt rules  
9 12 consistent with this chapter establishing minimum requirements  
9 13 for dealers. In adopting such rules, the department shall  
9 14 consider the need to protect persons, property, and the  
9 15 environment and to promote uniformity of practices relating to  
9 16 the sale and use of snowmobiles.

9 17 Sec. 18. Section 321G.23, subsection 1, Code 2007, is  
9 18 amended to read as follows:

9 19 1. The commission shall provide, by rules adopted pursuant  
9 20 to section 321G.2, for the establishment of certified courses  
9 21 of instruction to be conducted throughout the state for the



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

9 22 safe use and operation of snowmobiles. The curriculum shall  
9 23 include instruction in the lawful and safe use, operation, and  
9 24 equipping of snowmobiles consistent with this chapter and  
9 25 rules adopted by the commission and the director of  
9 26 transportation and other matters the commission deems  
9 27 pertinent for a qualified snowmobile operator. The commission  
9 28 may establish a fee for the course which shall not exceed the  
9 29 actual cost of instruction minus moneys received by the  
9 30 department from safety certificate fees under section 321G.24.  
9 31 Sec. 19. Section 321G.24, subsection 2, Code 2007, is  
9 32 amended to read as follows:  
9 33 2. Upon application and payment of a fee of five dollars,  
9 34 a qualified applicant shall be issued a safety certificate  
9 35 which is valid until the certificate is suspended or revoked



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

10 1 by the director for a violation of a provision of this chapter  
10 2 or a rule of the commission or the director of transportation  
10 3 adopted pursuant to this chapter. The application shall be  
10 4 made on forms issued by the commission and shall contain  
10 5 information as the commission may reasonably require.

10 6 Sec. 20. Section 321G.27, Code 2007, is amended to read as  
10 7 follows:

10 8 321G.27 WRITING FEES.

10 9 1. a. The county recorder shall collect a writing fee of  
10 10 one dollar and twenty-five cents for a snowmobile registration  
10 11 or for renewal of a registration by the county recorder's  
10 12 office.

10 13 b. The county recorder shall retain a writing fee of one  
10 14 dollar and twenty-five cents from the sale of each user permit  
10 15 issued by the county recorder's office.

10 16 c. Writing fees collected or retained by the county  
10 17 recorder under this chapter shall be deposited in the general  
10 18 fund of the county.

10 19 2. a. A license agent shall collect a writing fee of one  
10 20 dollar for a snowmobile registration or for renewal of a  
10 21 registration by the license agent.

10 22 b. A license agent shall retain a writing fee of one  
10 23 dollar from the sale of each user permit issued by the license  
10 24 agent.

10 25 Sec. 21. Section 321G.29, subsections 1, 4, and 7, Code  
10 26 2007, are amended to read as follows:

10 27 1. The owner of a snowmobile acquired on or after January  
10 28 1, 1998, other than a snowmobile used exclusively as a farm  
10 29 implement or a snowmobile more than thirty years old  
10 30 registered as provided in section 321G.4, subsection 5, shall  
10 31 apply to the county recorder of the county in which the owner  
10 32 resides for a certificate of title for the snowmobile. The  
10 33 owner of a snowmobile used exclusively as a farm implement may  
10 34 obtain a certificate of title. A person who owns a snowmobile  
10 35 that is not required to have a certificate of title may apply



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate Study Bill 1245 continued

11 1 for and receive a certificate of title for the snowmobile and,  
11 2 subsequently, the snowmobile shall be subject to the  
11 3 requirements of this chapter as if the snowmobile were  
11 4 required to be titled. All snowmobiles that are titled shall  
11 5 be registered.

11 6 4. If a dealer buys or acquires a snowmobile for resale,  
11 7 the dealer ~~shall report the acquisition to the county recorder~~  
~~11 8 on forms provided by the department and~~ may apply for and  
11 9 obtain a certificate of title as provided in this chapter. If  
11 10 a dealer buys or acquires a used snowmobile, the dealer may  
11 11 apply for a certificate of title in the dealer's name within  
11 12 thirty days. If a dealer buys or acquires a new snowmobile  
11 13 for resale, the dealer may apply for a certificate of title in  
11 14 the dealer's name.

11 15 7. The county recorder shall maintain a record of any  
11 16 certificate of title which the county recorder issues and  
11 17 shall keep each certificate of title on record until the  
11 18 certificate of title has been inactive for five years. When  
11 19 issuing a title for a new snowmobile, the county recorder  
11 20 shall obtain and keep on file a copy of the certificate of  
11 21 origin. When issuing a title and registration for a used  
11 22 snowmobile for which there is no title or registration, the  
11 23 county recorder shall obtain and keep on file the affidavit  
11 24 for the unregistered and untitled snowmobile.

11 25 Sec. 22. Section 321G.29, subsection 10, Code 2007, is  
11 26 amended by striking the subsection.

11 27 Sec. 23. Section 321G.30, subsections 2 and 4, Code 2007,  
11 28 are amended to read as follows:

11 29 2. If a certificate of title is lost, stolen, mutilated,  
11 30 destroyed, or becomes illegible, the first lienholder or, if  
11 31 there is none, the owner named in the certificate, as shown by  
11 32 the county recorder's records, shall within thirty days obtain  
11 33 a duplicate by applying to the county recorder. The applicant  
11 34 shall furnish information the department requires concerning  
11 35 the original certificate and the circumstances of its loss,



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

12 1 mutilation, or destruction. ~~Mutilated or illegible~~  
~~12 2 certificates shall be returned to the department with the~~  
~~12 3 application for a duplicate.~~

12 4 4. If a lost or stolen original certificate of title for  
12 5 which a duplicate has been issued is recovered, the original  
12 6 shall be surrendered promptly to the ~~department~~ county  
12 7 recorder for cancellation.

12 8 Sec. 24. Section 321G.32, subsection 3, Code 2007, is  
12 9 amended by striking the subsection and inserting in lieu  
12 10 thereof the following:

12 11 3. When a security interest is discharged, the secured  
12 12 party shall note the cancellation of the security interest on  
12 13 the face of the certificate of title and send the title by  
12 14 first class mail to the office of the county recorder where  
12 15 the title was issued. If the title has been lost or  
12 16 destroyed, the secured party may discharge the security  
12 17 interest by sending a signed, notarized statement to the  
12 18 office of the county recorder where the title was issued. The  
12 19 county recorder shall note the release of the security  
12 20 interest in the county records and attach the statement to the  
12 21 certificate of title as evidence of the release of the  
12 22 security interest.

12 23 Sec. 25. NEW SECTION. 321G.34 REPEAT OFFENDER ==  
12 24 RECORDS, ENFORCEMENT, AND PENALTIES.

12 25 1. The commission shall establish by rule a recordkeeping  
12 26 system and other administrative procedures necessary to  
12 27 administer this section.

12 28 2. A person who pleads guilty to or is convicted of a  
12 29 violation of any provision of this chapter while the person's  
12 30 registration privilege is suspended or revoked under  
12 31 administrative procedures is guilty of a simple misdemeanor if  
12 32 the person had no other violations within the previous three  
12 33 years which occurred while the person's registration privilege  
12 34 was suspended or revoked.

12 35 3. A person who pleads guilty to or is convicted of a



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

13 1 violation of any provision of this chapter while the person's  
13 2 registration privilege is suspended or revoked under  
13 3 administrative procedures is guilty of a serious misdemeanor  
13 4 if the person had one other violation within the previous  
13 5 three years which occurred while the person's registration  
13 6 privilege was suspended or revoked.

13 7 4. A person who pleads guilty to or is convicted of a  
13 8 violation of any provision of this chapter while the person's  
13 9 registration privilege is suspended or revoked under  
13 10 administrative procedures is guilty of an aggravated  
13 11 misdemeanor if the person had two or more convictions within  
13 12 the previous three years which occurred while the person's  
13 13 registration privilege was suspended or revoked.

13 14 5. a. Upon the conviction of a person of any violation of  
13 15 this chapter or a rule adopted under this chapter, the court,  
13 16 as a part of the judgment, may suspend or revoke one or more  
13 17 snowmobile registration or user permit privileges of the  
13 18 person for any definite period.

13 19 b. The court shall revoke all of the person's snowmobile  
13 20 registrations or user permits and suspend the privilege of  
13 21 procuring a registration or user permit for a period of one  
13 22 year for any person who has been convicted twice within one  
13 23 year of trespassing while operating a snowmobile. A person  
13 24 shall not be issued a registration or user permit during the  
13 25 period of suspension or revocation.

13 26 Sec. 26. Section 321I.1, subsection 1, Code 2007, is  
13 27 amended to read as follows:

13 28 1. a. "All-terrain vehicle" means a motorized  
13 29 flotation-tire vehicle with not less than three ~~low-pressure~~  
~~13 30 tires, but and~~ not more than six low-pressure tires, ~~or a~~  
~~13 31 two-wheeled off-road motorcycle,~~ that is limited in engine  
13 32 displacement to less than ~~eight hundred~~ one thousand cubic  
13 33 centimeters and in total dry weight to less than ~~eight hundred~~  
~~13 34 fifty~~ one thousand pounds and that has a seat or saddle  
13 35 designed to be straddled by the operator and handlebars for



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

14 1 steering control.

14 2 b. ~~Two-wheeled off-road~~ Off-road motorcycles shall be  
14 3 considered all-terrain vehicles for the purpose of  
14 4 registration. ~~Two-wheeled off-road~~ Off-road motorcycles shall  
14 5 also be considered all-terrain vehicles for the purpose of  
14 6 titling if a title has not previously been issued pursuant to  
14 7 chapter 321. An operator of a ~~two-wheeled~~ an off-road  
14 8 motorcycle is subject to provisions governing the operation of  
14 9 all-terrain vehicles in this chapter, but is exempt from the  
14 10 safety instruction and certification program requirements of  
14 11 sections 321I.25 and 321I.26.

14 12 c. Off-road utility vehicles shall be considered all=  
14 13 terrain vehicles for the purpose of registration, but are  
14 14 exempt from the dealer registration requirements and the  
14 15 titling requirements of this chapter. An operator of an  
14 16 off-road utility vehicle is subject to provisions governing  
14 17 the operation of all-terrain vehicles in section 321.234A and  
14 18 this chapter, but is exempt from the safety instruction and  
14 19 certification program requirements of sections 321I.25 and  
14 20 321I.26. A motorized vehicle that was previously titled or is  
14 21 currently titled under chapter 321 shall not be registered or  
14 22 operated as an off-road utility vehicle.

14 23 Sec. 27. Section 321I.1, Code 2007, is amended by adding  
14 24 the following new subsections:

14 25 NEW SUBSECTION. 5A. "Designated riding area" means an  
14 26 all-terrain vehicle riding area on any public land or ice  
14 27 under the jurisdiction of the department that has been  
14 28 designated by the department for all-terrain vehicle use.

14 29 NEW SUBSECTION. 5B. "Designated riding trail" means an  
14 30 all-terrain vehicle riding trail on any public land or ice  
14 31 under the jurisdiction of the department that has been  
14 32 designated by the department for all-terrain vehicle use.

14 33 NEW SUBSECTION. 5C. "Director" means the director of the  
14 34 department.

14 35 NEW SUBSECTION. 5D. "Direct supervision" means to provide



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

15 1 supervision of another person while maintaining visual and  
15 2 verbal contact at all times.

15 3 NEW SUBSECTION. 5E. "Distributor" means a person,  
15 4 resident or nonresident, who sells or distributes all-terrain  
15 5 vehicles to all-terrain vehicle dealers in this state or who  
15 6 maintains distributor representatives.

15 7 NEW SUBSECTION. 9A. "Off-road motorcycle" means a  
15 8 two-wheeled motor vehicle that has a seat or saddle designed  
15 9 to be straddled by the operator and handlebars for steering  
15 10 control and that is intended by the manufacturer for use on  
15 11 natural terrain. "Off-road motorcycle" includes a motorcycle  
15 12 that was originally issued a certificate of title and  
15 13 registered for highway use under chapter 321, but which  
15 14 contains design features that enable operation over natural  
15 15 terrain.

15 16 NEW SUBSECTION. 9B. "Off-road utility vehicle" means a  
15 17 motorized flotation-tire vehicle with not less than four and  
15 18 not more than six low-pressure tires that is limited in engine  
15 19 displacement to less than one thousand five hundred cubic  
15 20 centimeters and in total dry weight to not more than one  
15 21 thousand eight hundred pounds and that has a seat that is of  
15 22 bench design, not intended to be straddled by the operator,  
15 23 and a steering wheel for control.

15 24 Sec. 28. Section 321I.3, Code 2007, is amended to read as  
15 25 follows:

15 26 321I.3 REGISTRATION AND NUMBERING REQUIRED == PENALTIES.

15 27 1. Each all-terrain vehicle used on public land or ice of  
15 28 this state shall be currently registered ~~and numbered~~. A  
15 29 person shall not operate, maintain, or give permission for the  
15 30 operation or maintenance of an all-terrain vehicle on public  
15 31 land or ice unless the all-terrain vehicle is ~~numbered~~  
15 32 registered in accordance with this chapter or applicable  
15 33 federal laws, or ~~unless~~ the all-terrain vehicle displays a  
15 34 current annual user permit decal issued for the all-terrain  
15 35 vehicle as provided in section 321I.5. ~~If the all-terrain~~



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

~~Senate Study Bill 1245 continued~~

~~16 1 vehicle is required to be registered in this state, the~~  
~~16 2 identifying number set forth in the registration shall be~~  
~~16 3 displayed as prescribed by rules of the commission.~~  
16 4 2. A registration ~~number~~ certificate and registration  
16 5 decal shall be assigned, without payment of fee, to  
16 6 all-terrain vehicles owned by the state of Iowa or its  
16 7 political subdivisions upon application for the number, and  
~~16 8 the assigned registration number. The registration decal~~  
16 9 shall be displayed on the all-terrain vehicle as required  
16 10 under section 321I.6. A registration ~~number and~~ certificate  
16 11 shall be assigned, without payment of a registration fee, to  
16 12 for an all-terrain vehicle which is exempt from registration  
16 13 but is being titled, upon payment of a writing fee as provided  
16 14 in section 321I.29 and an administrative fee. A registration  
16 15 decal displaying an audit number shall not be issued and the  
16 16 registration shall not expire while the all-terrain vehicle is  
16 17 exempt. The application for registration and the registration  
16 18 certificate shall indicate the reason for exemption from the  
16 19 registration fee. The registration certificate shall indicate  
~~16 20 the reason for exemption.~~  
16 21 3. A violation of subsection 1 or 2 is punishable as a  
16 22 scheduled violation under section 805.8B, subsection 2A,  
16 23 paragraph "a". When the scheduled fine is paid, the violator  
16 24 shall submit proof to the department that a valid registration  
16 25 or user permit has been obtained by providing a copy of the  
16 26 registration or user permit to the department within thirty  
16 27 days of the date the fine is paid. A person who violates this  
16 28 subsection is guilty of a simple misdemeanor.  
16 29 Sec. 29. Section 321I.4, Code 2007, is amended to read as  
16 30 follows:  
16 31 321I.4 REGISTRATION WITH COUNTY RECORDER == FEE.  
16 32 1. The owner of each all-terrain vehicle required to be  
16 33 numbered registered shall register it annually with the  
16 34 department through a county recorder of the county in which  
~~16 35 the owner resides or, if the owner is a nonresident, the owner~~



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

~~Senate Study Bill 1245 continued~~

~~17 1 shall register it in the county in which the all-terrain  
17 2 vehicle is principally used. The department shall develop and  
17 3 maintain an electronic system for the registration of  
17 4 all-terrain vehicles pursuant to this chapter. The ~~commission~~  
17 5 has supervisory responsibility over department shall establish  
17 6 forms and procedures as necessary for the registration of  
17 7 all-terrain vehicles and shall provide each county recorder  
17 8 with registration forms and certificates and shall allocate  
17 9 registration numbers to each county.~~

17 10 2. The owner of the all-terrain vehicle shall file an  
17 11 application for registration with the appropriate department  
17 12 through a county recorder ~~on forms provided in the manner~~  
17 13 established by the commission. The application shall be  
17 14 completed and signed by the owner of the all-terrain vehicle  
17 15 and shall be accompanied by a fee of fifteen dollars and a  
17 16 writing fee as provided in section 321I.29. An all-terrain  
17 17 vehicle shall not be registered by the county recorder until  
17 18 the county recorder is presented with receipts, bills of sale,  
17 19 or other satisfactory evidence that the sales or use tax has  
17 20 been paid for the purchase of the all-terrain vehicle or that  
17 21 the owner is exempt from paying the tax. An all-terrain  
17 22 vehicle that has an expired registration certificate from  
17 23 another state may be registered in this state upon proper  
17 24 application, payment of all applicable registration and  
17 25 writing fees, and payment of a penalty of five dollars.

17 26 3. Upon receipt of the application in approved form  
17 27 accompanied by the required fees, the county recorder shall  
17 28 enter it upon the records and shall issue to the applicant a  
17 29 registration certificate and registration decal. ~~The~~  
17 30 certificate shall be executed in triplicate, one copy to be  
17 31 delivered to the owner, one copy to the commission, and one  
17 32 copy to be retained on file by the county recorder. ~~The~~  
17 33 registration certificate shall bear the number awarded to the  
17 34 all-terrain vehicle and the name and address of the owner.  
17 35 The registration decal shall be displayed on the all-terrain



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

18 1 vehicle as provided in section 321I.6. The registration  
18 2 certificate shall be carried either in the all-terrain vehicle  
18 3 or on the person of the operator of the all-terrain vehicle  
18 4 when in use. The operator of an all-terrain vehicle shall  
18 5 exhibit the registration certificate to a peace officer upon  
18 6 request, to a person injured in an accident involving an  
18 7 all-terrain vehicle, to the owner or operator of another  
18 8 all-terrain vehicle or the owner of personal or real property  
18 9 when the all-terrain vehicle is involved in a collision or  
18 10 accident of any nature with another all-terrain vehicle or the  
18 11 property of another person, or to the property owner or tenant  
18 12 when the all-terrain vehicle is being operated on private  
18 13 property without permission from the property owner or tenant.

~~18 14 4. If an all-terrain vehicle is placed in storage, the  
18 15 owner shall return the current registration certificate to the  
18 16 county recorder with an affidavit stating that the all-terrain  
18 17 vehicle is placed in storage and the effective date of  
18 18 storage. The county recorder shall notify the commission of  
18 19 each all-terrain vehicle placed in storage. When the owner of  
18 20 a stored all-terrain vehicle desires to renew the  
18 21 registration, the owner shall make application to the county  
18 22 recorder and pay the registration and writing fees without  
18 23 penalty. A refund of the registration fee shall not be  
18 24 allowed for a stored all-terrain vehicle.~~

18 25 Sec. 30. Section 321I.5, Code 2007, is amended to read as  
18 26 follows:

18 27 321I.5 NONRESIDENT USER PERMITS.

18 28 1. A nonresident wishing to operate an all-terrain  
18 29 vehicle, other than an all-terrain vehicle owned by a resident  
18 30 and registered pursuant to this chapter, on public land or ice  
18 31 of this state shall first obtain a user permit from the  
18 32 department. A user permit shall be issued for the all-terrain  
18 33 vehicle specified at the time of application and is not  
18 34 transferable. A user permit shall be valid for the calendar  
18 35 year or time period specified in the permit.

~~19 1 2. User permits may be issued by a A county recorder or a  
19 2 license depository pursuant to rules adopted by the commission  
19 3 agent designated by the director pursuant to section 483A.11  
19 4 may issue user permits. The fee for a user permit shall be  
19 5 fifteen dollars plus an administrative fee established by the  
19 6 commission. A county recorder or a license agent shall retain  
19 7 a writing fee ~~of one dollar~~ from the sale of each user permit  
19 8 issued by the county recorder's office as provided in section  
19 9 321I.29. ~~The writing fees retained by the county recorder  
19 10 shall be deposited in the general fund of the county. A  
19 11 license depository designated by the director pursuant to  
19 12 section 483A.11 shall retain a writing fee of one dollar from  
19 13 the sale of each permit issued by the agent.~~~~

19 14 Sec. 31. Section 321I.6, Code 2007, is amended to read as  
19 15 follows:

19 16 321I.6 DISPLAY OF IDENTIFICATION NUMBERS REGISTRATION AND  
19 17 USER PERMIT DECALS.

19 18 The owner shall display the ~~identification number~~  
19 19 registration decal or nonresident user permit decal on an  
19 20 all-terrain vehicle in the manner prescribed by rules of the  
19 21 commission.



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

19 22       Sec. 32. Section 321I.7, Code 2007, is amended to read as  
19 23 follows:  
19 24       321I.7 REGISTRATION == RENEWAL == TRANSFER.  
19 25       1. a. Every all-terrain vehicle registration certificate  
19 26 and ~~number~~ registration decal issued expires at midnight  
19 27 December 31 unless sooner terminated or discontinued in  
19 28 accordance with this chapter or rules of the commission.  
19 29 After the first day of September each year, an unregistered  
19 30 all-terrain vehicle may be registered or a registration may be  
19 31 renewed for the subsequent year beginning January 1.  
19 32       b. After the first day of September an unregistered  
19 33 all-terrain vehicle may be registered for the remainder of the  
19 34 current registration year and for the subsequent registration  
19 35 year in one transaction. The fee shall be five dollars for



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

20 1 the remainder of the current year, in addition to the  
20 2 registration fee of fifteen dollars for the subsequent year  
20 3 beginning January 1, and a writing fee as provided in section  
20 4 321I.29. ~~Registration certificates and numbers may be renewed~~  
~~20 5 upon application of the owner in the same manner as provided~~  
~~20 6 in securing the original registration. The all-terrain~~  
~~20 7 vehicle registration fee is in lieu of personal property tax~~  
~~20 8 for each year of the registration.~~  
20 9 2. An expired all-terrain vehicle registration may be  
20 10 renewed for the same fee as if the owner is securing the  
20 11 original registration plus a penalty of five dollars and a  
20 12 writing fee as provided in section 321I.29.  
20 13 3. ~~When a person, after registering an all-terrain~~  
~~20 14 vehicle, moves from the address shown on the registration~~  
~~20 15 certificate, the person shall, within thirty days, notify the~~  
~~20 16 county recorder in writing of the move and the person's new~~  
~~20 17 address.~~  
~~20 18 4. Upon the transfer of ownership of an all-terrain~~  
~~20 19 vehicle, the owner shall complete the form on the back of the~~  
~~20 20 title, if any, and registration, if any, and deliver both to~~  
~~20 21 the purchaser or transferee when the all-terrain vehicle is~~  
~~20 22 delivered. If the all-terrain vehicle is not titled, the~~  
~~20 23 owner shall complete the form on the back of the current~~  
~~20 24 registration certificate and shall deliver the certificate to~~  
~~20 25 the purchaser or transferee at the time of delivering the~~  
~~20 26 all-terrain vehicle. If the all-terrain vehicle has not been~~  
~~20 27 titled and has not been registered, the owner shall deliver an~~  
~~20 28 affidavit for an unregistered and untitled all-terrain vehicle~~  
~~20 29 to the purchaser or transferee. The purchaser or transferee~~  
~~20 30 shall, within thirty days of transfer, file a new application~~  
~~20 31 form with the county recorder with a fee of one dollar and the~~  
~~20 32 writing fee, and a transfer of number shall be awarded in the~~  
~~20 33 same manner as provided in an original registration. If the~~  
~~20 34 purchaser or transferee does not file a new application form~~  
~~20 35 within thirty days of transfer, the transfer of number shall~~



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

~~Senate Study Bill 1245 continued~~

~~21 1 be awarded upon payment of all applicable fees plus a penalty~~  
~~21 2 of five dollars.~~  
~~21 3 All registrations must be valid for the current~~  
~~21 4 registration period prior to the transfer of any registration,~~  
~~21 5 including assignment to a dealer.~~  
~~21 6 5. 3. Duplicate registrations may be issued upon~~  
~~21 7 application to the county recorder and the payment of ~~the same~~~~  
~~21 8 ~~fees collected for the transfer of registrations~~ a five dollar~~  
~~21 9 ~~fee plus a writing fee as provided in section 231I.29.~~~~  
~~21 10 6. 4. A motorcycle, as defined in section 321.1,~~  
~~21 11 subsection 40, paragraph "a", may be registered as an~~  
~~21 12 all-terrain vehicle as provided in this section. A motorcycle~~  
~~21 13 registered as an all-terrain vehicle may participate in all~~  
~~21 14 programs established for all-terrain vehicles under this~~  
~~21 15 chapter except for the safety instruction and certification~~  
~~21 16 program.~~  
~~21 17 5. A county recorder or a license agent designated by the~~  
~~21 18 director pursuant to section 483A.11 may issue all-terrain~~  
~~21 19 vehicle registration renewals electronically pursuant to rules~~  
~~21 20 adopted by the commission. The fee for a registration renewal~~  
~~21 21 issued using an electronic system is fifteen dollars plus an~~  
~~21 22 administrative fee established by the commission and a writing~~  
~~21 23 fee as provided in section 321I.29.~~  
~~21 24 Sec. 33. Section 321I.8, unnumbered paragraph 1, Code~~  
~~21 25 2007, is amended to read as follows:~~  
~~21 26 Within ten days after the end of each month, a A county~~  
~~21 27 recorder shall remit to the commission the all-terrain vehicle~~  
~~21 28 fees collected by the recorder during the previous month in~~  
~~21 29 the manner and time prescribed by the department. Before~~  
~~21 30 January 10 of each year, a recorder shall remit to the~~  
~~21 31 commission unused license forms from the previous year.~~  
~~21 32 Sec. 34. Section 321I.9, subsections 2, 3, and 4, Code~~  
~~21 33 2007, are amended by striking the subsections.~~  
~~21 34 Sec. 35. Section 321I.12, subsection 1, Code 2007, is~~  
~~21 35 amended to read as follows:~~



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

22 1 1. An all-terrain vehicle shall not be operated without  
22 2 suitable and effective muffling devices ~~which limit engine~~  
~~22 3 noise to not more than eighty-six decibels as measured on the~~  
~~22 4 "A" scale at a distance of fifty feet. An all-terrain vehicle~~  
22 5 shall comply with the sound level standards and testing  
22 6 procedures established by the society of automotive engineers  
22 7 under SAE J1287.

22 8 Sec. 36. Section 321I.14, subsection 1, paragraph g, Code  
22 9 2007, is amended by striking the paragraph and inserting in  
22 10 lieu thereof the following:

22 11 g. In any park, wildlife area, preserve, refuge, game  
22 12 management area, or any portion of a meandered stream, or any  
22 13 portion of the bed of a nonmeandered stream which has been  
22 14 identified as a navigable stream or river by rule adopted by  
22 15 the department and which is covered by water, except on  
22 16 designated riding areas and designated riding trails. This  
22 17 paragraph does not prohibit the use of ford crossings of  
22 18 public roads or any other ford crossing when used for  
22 19 agricultural purposes; the operation of construction vehicles  
22 20 engaged in lawful construction, repair, or maintenance in a  
22 21 streambed; or the operation of all-terrain vehicles on ice.

22 22 Sec. 37. Section 321I.14, Code 2007, is amended by adding  
22 23 the following new subsections:

22 24 NEW SUBSECTION. 4. A person shall not operate an off-road  
22 25 utility vehicle on a designated riding area or designated  
22 26 riding trail unless the riding area or trail is signed by the  
22 27 department as open to off-road utility vehicle operation.

22 28 NEW SUBSECTION. 5. A person shall not operate a vehicle  
22 29 other than an all-terrain vehicle on a designated riding area  
22 30 or designated riding trail unless the riding area or trail is  
22 31 signed by the department as open to such other use.

22 32 Sec. 38. Section 321I.16, Code 2007, is amended to read as  
22 33 follows:

22 34 321I.16 OPERATION PENDING REGISTRATION.

22 35 The commission shall furnish all-terrain vehicle dealers



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

23 1 with pasteboard cards bearing the words "registration applied  
23 2 for" and space for the date of purchase. An unregistered  
23 3 all-terrain vehicle sold by a dealer shall bear one of these  
23 4 cards which entitles the purchaser to operate it for ~~ten~~  
23 5 forty=five days immediately following the purchase. The  
23 6 purchaser of a registered all-terrain vehicle may operate it  
23 7 for ~~ten~~ forty=five days immediately following the purchase,  
23 8 without having completed a transfer of registration. An  
23 9 all-terrain vehicle dealer shall make application and pay all  
23 10 registration and title fees if applicable on behalf of the  
23 11 purchaser of an all-terrain vehicle.

23 12 Sec. 39. Section 321I.20, subsection 1, Code 2007, is  
23 13 amended to read as follows:

23 14 1. The owner of a rented all-terrain vehicle shall keep a  
23 15 record of the name and address of each person renting the  
23 16 all-terrain vehicle, its registration ~~number~~ certificate, the  
23 17 departure date and time, and the expected time of return. The  
23 18 records shall be preserved for six months.

23 19 Sec. 40. Section 321I.21, Code 2007, is amended to read as  
23 20 follows:

23 21 321I.21 MINORS UNDER TWELVE == SUPERVISION.

23 22 A person under twelve years of age shall not operate an  
23 23 all-terrain vehicle ~~on public lands~~, including an off-road  
23 24 motorcycle, on a designated riding area or designated riding  
23 25 trail on public land or ice unless ~~the~~ one of the following  
23 26 applies:

23 27 1. The person is taking a prescribed safety training  
23 28 course and the operation is under the direct supervision of a  
23 29 certified all-terrain vehicle safety instructor. ~~and a~~

23 30 2. The operation is under the direct supervision of a  
23 31 responsible parent or guardian of at least eighteen years of  
23 32 age who is experienced in all-terrain vehicle operation or  
23 33 off-road motorcycle operation and who possesses a valid  
23 34 driver's license as defined in section 321.1.

23 35 Sec. 41. Section 321I.22, subsection 2, Code 2007, is



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

24 1 amended to read as follows:

24 2 2. ~~Any~~ Every manufacturer, distributor, or dealer ~~may,~~  
~~24 3 upon payment of a fee of fifteen dollars, make shall register~~  
24 4 ~~with the department by making application to the commission,~~  
24 5 ~~upon forms prescribed by the commission, for a special~~  
24 6 ~~registration certificate containing a general identification~~  
24 7 ~~number and for one or more duplicate special registration~~  
24 8 ~~certificates. The applicant shall pay a registration fee of~~  
24 9 ~~fifteen dollars and submit reasonable proof of the applicant's~~  
24 10 ~~status as a bona fide manufacturer, distributor, or dealer as~~  
24 11 ~~may be required by the commission.~~

24 12 Sec. 42. Section 321I.22, subsections 6 and 8, Code 2007,  
24 13 are amended by striking the subsections.

24 14 Sec. 43. Section 321I.22, subsection 9, Code 2007, is  
24 15 amended to read as follows:

24 16 9. ~~If the purchaser or transferee of an all-terrain~~  
~~24 17 vehicle is a dealer who holds the same for resale and operates~~  
~~24 18 the all-terrain vehicle only for purposes incidental to a~~  
~~24 19 resale and displays the special dealer's certificate, or does~~  
~~24 20 not operate the all-terrain vehicle or permit it to be~~  
~~24 21 operated, the transferee is not required to obtain a new~~  
~~24 22 registration certificate but upon transferring title or~~  
~~24 23 interest to another person shall sign the reverse side of the~~  
~~24 24 title, if any, and the registration certificate of the~~  
~~24 25 all-terrain vehicle indicating the name and address of the new~~  
~~24 26 purchaser. A dealer shall make application and pay all~~  
24 27 registration and title fees if applicable on behalf of the  
24 28 purchaser of an all-terrain vehicle. ~~The recorder shall award~~  
~~24 29 a transfer of the registration number. If the registration~~  
24 30 has expired while in the dealer's possession, the purchaser  
24 31 may renew the registration for the same fee and writing fee as  
24 32 if the purchaser is securing the original registration.

24 33 Sec. 44. Section 321I.22, subsection 10, Code 2007, is  
24 34 amended by striking the subsection.

24 35 Sec. 45. Section 321I.22, Code 2007, is amended by adding



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

25 1 the following new subsection:

25 2 NEW SUBSECTION. 12. The department may adopt rules  
25 3 consistent with this chapter establishing minimum requirements  
25 4 for dealers. In adopting such rules, the department shall  
25 5 consider the need to protect persons, property, and the  
25 6 environment and to promote uniformity of practices relating to  
25 7 the sale and use of all-terrain vehicles.

25 8 Sec. 46. Section 321I.25, subsection 1, Code 2007, is  
25 9 amended to read as follows:

25 10 1. The commission shall provide, by rules adopted pursuant  
25 11 to section 321I.2, for the establishment of certified courses  
25 12 of instruction to be conducted throughout the state for the  
25 13 safe use and operation of all-terrain vehicles. The  
25 14 curriculum shall include instruction in the lawful and safe  
25 15 use, operation, and equipping of all-terrain vehicles  
25 16 consistent with this chapter and rules adopted by the  
25 17 commission and the director of transportation and other  
25 18 matters the commission deems pertinent for a qualified  
25 19 all-terrain vehicle operator. The commission may establish a  
25 20 fee for the course which shall not exceed the actual cost of  
25 21 instruction minus moneys received by the department from  
25 22 safety certificate fees under section 321I.26.

25 23 Sec. 47. Section 321I.26, subsections 1 and 2, Code 2007,  
25 24 are amended to read as follows:

25 25 1. A person ~~under~~ twelve years of age or older but less  
25 26 than eighteen years of age shall not operate an all-terrain  
25 27 vehicle on public land or ice or land purchased with  
25 28 all-terrain vehicle registration funds in this state without  
25 29 obtaining a valid safety certificate issued by the department  
25 30 and having the certificate in the person's possession.

25 31 2. Upon application and payment of a fee of five dollars,  
25 32 a qualified applicant shall be issued a safety certificate  
25 33 which is valid until the certificate is suspended or revoked  
25 34 by the director for a violation of a provision of this chapter  
25 35 or a rule of the commission or the director of transportation



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

26 1 adopted pursuant to this chapter. The application shall be  
26 2 made on forms issued by the commission and shall contain  
26 3 information as the commission may reasonably require.  
26 4 Sec. 48. Section 321I.29, Code 2007, is amended to read as  
26 5 follows:  
26 6 321I.29 WRITING FEES.  
26 7 1. a. The county recorder shall collect a writing fee of  
26 8 one dollar and twenty-five cents for an all-terrain vehicle  
26 9 registration or for renewal of a registration by the county  
26 10 recorder's office.  
26 11 b. The county recorder shall retain a writing fee of one  
26 12 dollar and twenty-five cents from the sale of each user permit  
26 13 issued by the county recorder's office.  
26 14 c. Writing fees collected or retained by the county  
26 15 recorder under this chapter shall be deposited in the general  
26 16 fund of the county.  
26 17 2. a. A license agent shall collect a writing fee of one  
26 18 dollar for an all-terrain vehicle registration or for renewal  
26 19 of a registration issued by the license agent.  
26 20 b. A license agent shall retain a writing fee of one  
26 21 dollar from the sale of each user permit issued by the license  
26 22 agent.  
26 23 Sec. 49. Section 321I.31, subsections 4 and 7, Code 2007,  
26 24 are amended to read as follows:  
26 25 4. If a dealer buys or acquires an all-terrain vehicle for  
26 26 resale, the dealer ~~shall report the acquisition to the county~~  
~~26 27 recorder on forms provided by the department and~~ may apply for  
26 28 and obtain a certificate of title as provided in this chapter.  
26 29 If a dealer buys or acquires a used all-terrain vehicle, the  
26 30 dealer may apply for a certificate of title in the dealer's  
26 31 name within thirty days. If a dealer buys or acquires a new  
26 32 all-terrain vehicle for resale, the dealer may apply for a  
26 33 certificate of title in the dealer's name.  
26 34 7. The county recorder shall maintain a record of any  
26 35 certificate of title which the county recorder issues and



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

27 1 shall keep each certificate of title on record until the  
27 2 certificate of title has been inactive for five years. When  
27 3 issuing a title for a new all-terrain vehicle, the county  
27 4 recorder shall obtain and keep on file a copy of the  
27 5 certificate of origin. When issuing a title and registration  
27 6 for a used all-terrain vehicle for which there is no title or  
27 7 registration, the county recorder shall obtain and keep on  
27 8 file the affidavit for the unregistered and untitled  
27 9 all-terrain vehicle.

27 10 Sec. 50. Section 321I.31, subsection 10, Code 2007, is  
27 11 amended by striking the subsection.

27 12 Sec. 51. Section 321I.32, subsections 2 and 4, Code 2007,  
27 13 are amended to read as follows:

27 14 2. If a certificate of title is lost, stolen, mutilated,  
27 15 destroyed, or becomes illegible, the first lienholder or, if  
27 16 there is none, the owner named in the certificate, as shown by  
27 17 the county recorder's records, shall within thirty days obtain  
27 18 a duplicate by applying to the county recorder. The applicant  
27 19 shall furnish information the department requires concerning  
27 20 the original certificate and the circumstances of its loss,  
27 21 mutilation, or destruction. ~~Mutilated or illegible~~  
~~27 22 certificates shall be returned to the department with the~~  
~~27 23 application for a duplicate.~~

27 24 4. If a lost or stolen original certificate of title for  
27 25 which a duplicate has been issued is recovered, the original  
27 26 shall be surrendered promptly to the ~~department~~ county  
27 27 recorder for cancellation.

27 28 Sec. 52. Section 321I.34, subsection 3, Code 2007, is  
27 29 amended by striking the subsection and inserting in lieu  
27 30 thereof the following:

27 31 3. When a security interest is discharged, the secured  
27 32 party shall note the cancellation of the security interest on  
27 33 the face of the certificate of title and send the title by  
27 34 first class mail to the office of the county recorder where  
27 35 the title was issued. If the title has been lost or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

28 1 destroyed, the secured party may discharge the security  
28 2 interest by sending a signed, notarized statement to the  
28 3 office of the county recorder where the title was issued. The  
28 4 county recorder shall note the release of the security  
28 5 interest in the county records and attach the statement to the  
28 6 certificate of title as evidence of the release of the  
28 7 security interest.

28 8 Sec. 53. NEW SECTION. 321I.36 REPEAT OFFENDER ==  
28 9 RECORDS, ENFORCEMENT, AND PENALTIES.

28 10 1. The commission shall establish by rule a recordkeeping  
28 11 system and other administrative procedures necessary to  
28 12 administer this section.

28 13 2. A person who pleads guilty to or is convicted of a  
28 14 violation of any provision of this chapter while the person's  
28 15 registration privilege is suspended or revoked under  
28 16 administrative procedures is guilty of a simple misdemeanor if  
28 17 the person had no other violations within the previous three  
28 18 years which occurred while the person's registration privilege  
28 19 was suspended or revoked.

28 20 3. A person who pleads guilty to or is convicted of a  
28 21 violation of any provision of this chapter while the person's  
28 22 registration privilege is suspended or revoked under  
28 23 administrative procedures is guilty of a serious misdemeanor  
28 24 if the person had one other violation within the previous  
28 25 three years which occurred while the person's registration  
28 26 privilege was suspended or revoked.

28 27 4. A person who pleads guilty to or is convicted of a  
28 28 violation of any provision of this chapter while the person's  
28 29 registration privilege is suspended or revoked under  
28 30 administrative procedures is guilty of an aggravated  
28 31 misdemeanor if the person had two or more convictions within  
28 32 the previous three years which occurred while the person's  
28 33 registration privilege was suspended or revoked.

28 34 5. a. Upon the conviction of a person of any violation of  
28 35 this chapter or a rule adopted under this chapter, the court,  
29 1 as a part of the judgment, may suspend or revoke one or more  
29 2 all-terrain vehicle registration or user permit privileges of  
29 3 the person for any definite period.

29 4 b. The court shall revoke all of the person's all-terrain  
29 5 vehicle registrations or user permits and suspend the  
29 6 privilege of procuring a registration or user permit for a  
29 7 period of one year for any person who has been convicted twice  
29 8 within one year of trespassing while operating an all-terrain  
29 9 vehicle. A person shall not be issued a registration or user  
29 10 permit during the period of suspension or revocation.

29 11 Sec. 54. Section 805.8B, subsection 2, Code 2007, is  
29 12 amended to read as follows:

29 13 2. ~~SNOWMOBILE AND ALL-TERRAIN VEHICLE~~ VIOLATIONS.

29 14 a. For registration or user permit violations under  
29 15 ~~sections~~ section 321G.3 and 321I.3, subsections 1 and 2, the  
29 16 scheduled fine is ~~twenty~~ fifty dollars. ~~When the scheduled~~  
~~29 17 fine is paid, the violator shall submit sufficient proof that~~  
~~29 18 a valid registration or user permit has been obtained.~~

29 19 b. (1) For operating violations under section 321G.9,  
29 20 ~~subsections 1, 2, 3, 4, 5, and 7, sections~~ the scheduled fine  
29 21 is fifty dollars.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

29 22       (2) For operating violations under sections 321G.11, and  
29 23 321G.13, subsection 1, paragraph "d", sections 321I.10,  
~~29 24 321I.12, and 321I.14, subsection 1, paragraph "d", the~~  
29 25 scheduled fine is twenty dollars.  
29 26       (3) For operating violations under section 321G.13,  
29 27 subsection 1, paragraphs "a", "b", "e", "f", "g", and "h", and  
29 28 subsections 2 and 3, the scheduled fine is one hundred  
29 29 dollars.  
29 30       c. For improper or defective equipment under sections  
29 31 section 321G.12 and 321I.13, the scheduled fine is twenty  
29 32 dollars.  
29 33       d. For violations of sections section 321G.19 and 321I.20,  
29 34 the scheduled fine is twenty dollars.  
29 35       e. For identification violations under sections section



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

30 1 321G.5 ~~and 321I.6~~, the scheduled fine is twenty dollars.

30 2 f. For stop signal violations under section 321G.17, the  
30 3 scheduled fine is one hundred dollars.

30 4 g. For violations of section 321G.20 and for safety  
30 5 certificate violations under section 321G.24, subsection 1,  
30 6 the scheduled fine is fifty dollars.

30 7 h. For violations of section 321G.21, the scheduled fine  
30 8 is one hundred dollars.

30 9 Sec. 55. Section 805.8B, Code 2007, is amended by adding  
30 10 the following new subsection:

30 11 NEW SUBSECTION. 2A. ALL=TERRAIN VEHICLE VIOLATIONS.

30 12 a. For registration or user permit violations under  
30 13 section 321I.3, subsections 1 and 2, the scheduled fine is  
30 14 fifty dollars.

30 15 b. (1) For operating violations under sections 321I.12  
30 16 and 321I.14, subsection 1, paragraph "d", the scheduled fine  
30 17 is twenty dollars.

30 18 (2) For operating violations under section 321I.10,  
30 19 subsections 1 and 4, the scheduled fine is fifty dollars.

30 20 (3) For operating violations under section 321I.14,  
30 21 subsection 1, paragraphs "a", "e", "f", "g", and "h", and  
30 22 subsections 2, 3, 4, and 5, the scheduled fine is one hundred  
30 23 dollars.

30 24 c. For improper or defective equipment under section  
30 25 321I.13, the scheduled fine is twenty dollars.

30 26 d. For violations of section 321I.20, the scheduled fine  
30 27 is twenty dollars.

30 28 e. For identification violations under section 321I.6, the  
30 29 scheduled fine is twenty dollars.

30 30 f. For stop signal violations under section 321I.18, the  
30 31 scheduled fine is one hundred dollars.

30 32 g. For violations of section 321I.21 and for safety  
30 33 certificate violations under section 321I.26, subsection 1,  
30 34 the scheduled fine is fifty dollars.

30 35 h. For violations of section 321I.22, the scheduled fine



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate Study Bill 1245 continued

31 1 is one hundred dollars.

31 2 EXPLANATION

31 3 This bill makes changes to the regulation of snowmobiles  
31 4 and all-terrain vehicles by the department of natural  
31 5 resources, including technical changes to Code chapter 321G,  
31 6 relating to snowmobiles, and Code chapter 321I, relating to  
31 7 all-terrain vehicles, to align the language in provisions  
31 8 common to both Code chapters. Both Code chapters are also  
31 9 amended to consolidate specific language about writing fees  
31 10 associated with the issuance of user permits, vehicle  
31 11 registrations, and registration renewals into a single section  
31 12 in each Code chapter.

31 13 The bill specifies that the owner of an all-terrain vehicle  
31 14 or member of the owner's family who operates the all-terrain  
31 15 vehicle within the area between the shoulder of the roadway  
31 16 and the owner's property line must comply with the  
31 17 registration, safety, and age requirements applicable to  
31 18 operators on public land.

31 19 The bill defines "off-road utility vehicles", which are  
31 20 larger vehicles with at least four wheels and outfitted with a  
31 21 bench seat. The bill subjects such vehicles to the  
31 22 registration requirements, but not the dealer registration  
31 23 requirements or the titling requirements, applicable to  
31 24 all-terrain vehicles, and specifies where they may be  
31 25 operated. The bill defines "off-road motorcycles", which are  
31 26 motorcycles intended for use on natural terrain, including  
31 27 dual-sport motorcycles originally titled and registered for  
31 28 highway use under Code chapter 321. Off-road motorcycles  
31 29 continue to be regulated as all-terrain vehicles, but are  
31 30 exempt from safety instruction and certification program  
31 31 requirements and are exempt from titling requirements if  
31 32 already titled under Code chapter 321. The terms "designated  
31 33 riding area" and "designated riding trail" are defined as  
31 34 those areas and trails designated by the department for  
31 35 all-terrain vehicle use.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate Study Bill 1245 continued

32 1       The bill strikes obsolete provisions to streamline the  
32 2 process for registration of snowmobiles and all-terrain  
32 3 vehicles including provisions relating to stored vehicles and  
32 4 transfer of ownership. The existing practice of issuing a  
32 5 registration number is replaced with the issuance of a  
32 6 registration decal to be displayed on the vehicle. The bill  
32 7 provides for electronic registration of snowmobiles and  
32 8 all-terrain vehicles, permits registration through any county  
32 9 recorder, and provides for renewal through county recorders  
32 10 and license agents. Electronic registration renewals are  
32 11 subject to the current annual registration fee of \$15, plus an  
32 12 administrative fee to be established by the natural resource  
32 13 commission, and a \$1 writing fee for license agents or a \$1.25  
32 14 writing fee for county recorders. The bill provides that the  
32 15 registration of a snowmobile or all-terrain vehicle, other  
32 16 than a government vehicle, that is exempt from annual  
32 17 registration fees is subject to an administrative fee and a  
32 18 writing fee at the time of registration.

32 19       The bill extends, from 10 to 45 days, the period of time a  
32 20 purchaser of a new or used snowmobile or all-terrain vehicle  
32 21 may operate the vehicle pending registration.

32 22       The bill strikes the current registration exemptions for  
32 23 nonresidents' all-terrain vehicles or snowmobiles that are in  
32 24 this state for special events or for not more than 20 days.

32 25       The bill exempts snowmobiles more than 30 years old from  
32 26 titling requirements applicable to most other snowmobiles.

32 27       The bill expands the description of the types of public  
32 28 areas that are off-limits for all-terrain vehicle operators.

32 29       The bill prohibits off-road utility vehicle operation on  
32 30 designated riding areas or trails unless the department has  
32 31 signed the area or trail for such use. The bill provides a  
32 32 similar prohibition against operating any other type of  
32 33 vehicle on an area or trail designated for all-terrain  
32 34 vehicles. A violation of either provision is a simple  
32 35 misdemeanor punishable by a scheduled fine of \$100.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate Study Bill 1245 continued

33 1       The bill defines "distributor" for purposes of the Code  
33 2 chapter on snowmobiles and the Code chapter on all-terrain  
33 3 vehicles. The bill requires every snowmobile or all-terrain  
33 4 vehicle manufacturer, distributor, or dealer to register  
33 5 annually with the department for a fee of \$15, which qualifies  
33 6 the registrant to be issued a special registration certificate  
33 7 with a general identification number. Additional duplicate  
33 8 certificates are issued for \$2 each. Vehicles may be operated  
33 9 temporarily under such registration. Current law provides for  
33 10 annual registration upon payment of the \$15 fee on a voluntary  
33 11 basis. The bill eliminates requirements for dealers relating  
33 12 to inventory records, incidental sales of used vehicles, and  
33 13 dealer purchases.

33 14       The bill authorizes the department to establish minimum  
33 15 requirements for snowmobile and all-terrain vehicle dealers by  
33 16 rule.

33 17       The bill authorizes the department to establish a fee for  
33 18 snowmobile and all-terrain vehicle safety courses that,  
33 19 combined with the \$5 fee charged for safety certificates,  
33 20 covers the cost of the course of instruction. The bill also  
33 21 clarifies that the director of the department has the  
33 22 authority to suspend or revoke safety certificates.

33 23       The bill clarifies that a person under 12 years of age  
33 24 shall not operate an all-terrain vehicle on any designated  
33 25 riding area or trail on public land or ice unless the person  
33 26 is under the direct supervision of a responsible parent or  
33 27 guardian at least 18 years of age who is a licensed driver  
33 28 with experience in all-terrain vehicle operation or the person  
33 29 is taking a safety training course and is under the direct  
33 30 supervision of a safety training instructor. If the  
33 31 all-terrain vehicle operated by the person under 12 is an  
33 32 off-road motorcycle, the supervising adult must have  
33 33 experience in off-road motorcycle operation. The bill defines  
33 34 "direct supervision" as supervision while maintaining visual  
33 35 and verbal contact. The bill further clarifies that a person



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1245 continued

34 1 12 years of age or older but less than 18 years of age is  
34 2 required to have a safety certificate for operation of an  
34 3 all-terrain vehicle on public land or ice.  
34 4 The bill requires all-terrain vehicles to comply with the  
34 5 sound level standards and testing procedures established for  
34 6 such vehicles by the society of automotive engineers.  
34 7 The bill provides a new mechanism for processing the  
34 8 cancellation of a security interest in a snowmobile or  
34 9 all-terrain vehicle. Currently, the secured party is required  
34 10 to present the certificate of title to the county recorder  
34 11 upon filing a release statement, and a new or endorsed  
34 12 certificate is issued to the owner. Under the bill, the  
34 13 secured party shall note the cancellation of the security  
34 14 interest on the title and mail it to the county recorder. If  
34 15 the certificate of title has been lost or destroyed, the  
34 16 secured party may send a signed, notarized statement  
34 17 discharging the security interest. The county recorder shall  
34 18 note the release in the county records and attach the  
34 19 statement to the certificate of title as evidence of the  
34 20 release of the security interest.  
34 21 The bill revises existing penalties for certain violations  
34 22 by all-terrain vehicle operators. For a violation of  
34 23 registration or user permit requirements in Code section  
34 24 321I.3, the scheduled fine is increased from \$20 to \$50. The  
34 25 violator is also required to obtain a valid registration or  
34 26 user permit and provide a copy to the department within 30  
34 27 days of paying the fine. A violation of this requirement is a  
34 28 simple misdemeanor. For operating an all-terrain vehicle on a  
34 29 highway or snowmobile trail in violation of Code section  
34 30 321I.10, the scheduled fine is increased from \$20 to \$50. For  
34 31 unlawful operation violations under Code section 321I.14,  
34 32 other than careless operation, operating while intoxicated,  
34 33 and headlight and taillight violations, and for disregarding a  
34 34 peace officer's signal to stop or eluding a peace officer  
34 35 under Code section 321I.18, the penalty is changed from a



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007**

Senate Study Bill 1245 continued

35 1 simple misdemeanor to a simple misdemeanor punishable as a  
35 2 scheduled violation, subject to a \$100 fine. The penalty for  
35 3 a violation of requirements for operators under 12 years of  
35 4 age under Code section 321I.21 and for a violation of safety  
35 5 certificate requirements under Code section 321I.26 is changed  
35 6 from a simple misdemeanor to a simple misdemeanor punishable  
35 7 as a scheduled violation, subject to a fine of \$50. The  
35 8 penalty for violations by manufacturers, dealers, or  
35 9 distributors is changed from a simple misdemeanor to a simple  
35 10 misdemeanor punishable by a scheduled fine of \$100.  
35 11 The bill revises penalties for certain violations by  
35 12 snowmobile operators. For a violation of registration or user  
35 13 permit requirements in Code section 321G.3, the scheduled fine  
35 14 is increased from \$20 to \$50. The violator is also required  
35 15 to obtain a valid registration or user permit and provide a  
35 16 copy to the department within 30 days of paying the fine. A  
35 17 violation of this requirement is a simple misdemeanor. For a  
35 18 violation of operating restrictions on highways in Code  
35 19 section 321G.9, the scheduled fine is increased from \$20 to  
35 20 \$50. For unlawful operation violations under Code section  
35 21 321G.13, other than operating while intoxicated and headlight  
35 22 and taillight violations, and for disregarding a peace  
35 23 officer's signal to stop or eluding a peace officer under Code  
35 24 section 321G.17, the penalty is changed from a simple  
35 25 misdemeanor to a simple misdemeanor punishable as a scheduled  
35 26 violation, subject to a \$100 fine. The penalty for a  
35 27 violation of requirements for operators under 12 years of age  
35 28 under Code section 321I.21 and for a violation of safety  
35 29 certificate requirements under Code section 321G.24 is changed  
35 30 from a simple misdemeanor to a simple misdemeanor punishable  
35 31 by a scheduled fine of \$50. The penalty for violations by  
35 32 manufacturers, dealers, or distributors under Code section  
35 33 312G.21 is changed from a simple misdemeanor to a simple  
35 34 misdemeanor punishable by a scheduled fine of \$100.  
35 35 The bill requires the natural resource commission to



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate Study Bill 1245 continued

36 1 administer repeat offender systems for snowmobile operators  
36 2 and all-terrain vehicle operators, with escalating penalties  
36 3 for violations committed by a person whose registration  
36 4 privileges have been suspended or revoked under administrative  
36 5 procedures. For the first such offense committed within a  
36 6 three-year period, the penalty is a simple misdemeanor; for  
36 7 the second such violation, the penalty is a serious  
36 8 misdemeanor; for the third and subsequent violations, the  
36 9 penalty is an aggravated misdemeanor. Upon conviction of a  
36 10 violation of snowmobile laws or all-terrain vehicle laws, the  
36 11 court has the option of suspending or revoking the violator's  
36 12 registration or permit privileges for any period. If a person  
36 13 is convicted of trespassing while operating twice in one year,  
36 14 the person's registration or permit shall be revoked for one  
36 15 year and the privilege of purchasing a registration or permit  
36 16 shall be suspended for one year. These systems mirror the  
36 17 penalty schedule for repeated violations of hunting and  
36 18 fishing laws.  
36 19 LSB 1411DP 82  
36 20 dea:nh/es/88.2



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1246

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON KREIMAN)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act concerning the recognition and enforcement of civil  
2 judgments, orders, and decrees issued by a tribal court of a  
3 federally recognized Indian tribe and including an  
4 applicability provision.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2163SC 82  
7 rh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1246 continued

PAG LIN

1 1 Section 1. NEW SECTION. 626D.1 TITLE.  
1 2 This chapter may be cited as the "Recognition and  
1 3 Enforcement of Tribal Court Civil Judgments Act".  
1 4 Sec. 2. NEW SECTION. 626D.2 RECOGNITION AND ENFORCEMENT  
1 5 OF TRIBAL COURT CIVIL JUDGMENT, ORDER, OR DECREE.  
1 6 A civil judgment, order, or decree issued by a tribal court  
1 7 of a federally recognized Indian tribe in this state may be  
1 8 enforced in a court in this state in the same manner and to  
1 9 the same extent as a civil judgment, order, or decree of any  
1 10 court of a sister state which is entitled to full faith and  
1 11 credit in this state, only if all of the following conditions  
1 12 are established by the federally recognized Indian tribe by  
1 13 clear and convincing evidence:  
1 14 1. The federally recognized Indian tribe that created the  
1 15 tribal court is organized under 25 U.S.C. } 461 et seq.  
1 16 2. The tribal documents meet the authentication  
1 17 requirements of section 626D.3.  
1 18 3. The tribal court is a court of record pursuant to  
1 19 section 626D.4.  
1 20 4. The tribal court judgment, order, or decree was  
1 21 rendered under a judicial system that provides impartial  
1 22 tribunals or procedures compatible with due process of law.  
1 23 5. The tribal court judgment, order, or decree is a valid  
1 24 judgment, order, or decree pursuant to section 626D.5.  
1 25 Sec. 3. NEW SECTION. 626D.3 AUTHENTICATION REQUIREMENTS.  
1 26 To qualify for admission as evidence in the courts of this  
1 27 state, tribal documents of a federally recognized Indian tribe  
1 28 shall be authenticated as follows:  
1 29 1. Copies of the acts of the tribal legislative body shall  
1 30 be authenticated in accordance with the laws of the federally  
1 31 recognized Indian tribe and attested to by the appropriate  
1 32 tribal secretary.  
1 33 2. Copies of records, judgments, orders, and decrees of  
1 34 the tribal court shall be authenticated by the attestation of  
1 35 the clerk of court. The seal, if any, of the court shall be



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate Study Bill 1246 continued

2 1 affixed to the attestation.

2 2     Sec. 4. NEW SECTION. 626D.4 COURT OF RECORD ==  
2 3 DETERMINATION.

2 4     In determining whether a tribal court of a federally  
2 5 recognized Indian tribe is a court of record, the court shall  
2 6 determine all of the following:

2 7     1. The tribal court keeps a permanent record of all  
2 8 proceedings.

2 9     2. A transcript or an electronic recording of the  
2 10 proceeding at issue in the tribal court is available.

2 11     3. A final judgment of the tribal court is reviewable by a  
2 12 tribal appellate court or other superior court.

2 13     4. The tribal court has authority to enforce the tribal  
2 14 court's orders through contempt proceedings.

2 15     Sec. 5. NEW SECTION. 626D.5 VALIDITY OF TRIBAL COURT  
2 16 CIVIL ORDER, JUDGMENT, OR DECREE.

2 17     In determining whether a tribal court civil judgment,  
2 18 order, or decree of a federally recognized Indian tribe is a  
2 19 valid judgment, order, or decree, the court shall examine the  
2 20 tribal court record to assure that all of the following  
2 21 conditions are met:

2 22     1. The tribal court had jurisdiction of the subject matter  
2 23 and over the person named in the judgment, order, or decree.

2 24     2. The judgment, order, or decree involves a matter or  
2 25 controversy between any of the following persons:

2 26     a. The members of the federally recognized Indian tribe.

2 27     b. The federally recognized Indian tribe and members of  
2 28 the tribe.

2 29     c. The federally recognized Indian tribe or members of the  
2 30 federally recognized Indian tribe and a nonmember of the tribe  
2 31 who has expressly consented to be subject to the jurisdiction  
2 32 of the federally recognized Indian tribe.

2 33     3. The judgment, order, or decree is final under the laws  
2 34 of the rendering court.

2 35     4. The judgment, order, or decree is on the merits.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1246 continued

3 1 5. The judgment, order, or decree was procured without  
3 2 fraud, duress, or coercion.

3 3 6. The judgment, order, or decree was procured in  
3 4 compliance with the procedures required by the rendering  
3 5 court.

3 6 7. The judgment, order, or decree was procured only after  
3 7 sufficient notice and an opportunity for a hearing was allowed  
3 8 on the merits of the cause of action.

3 9 8. The judgment, order, or decree does not conflict with a  
3 10 previous final and conclusive judgment of a court in this  
3 11 state.

3 12 9. The judgment, order, or decree is not contrary to a  
3 13 settlement agreement entered into between the parties prior to  
3 14 the judgment, order, or decree being rendered by the tribal  
3 15 court.

3 16 10. The court proceedings comply with the requirements of  
3 17 the federal Indian Civil Rights Act of 1968, 25 U.S.C. }  
3 18 1301-03.

3 19 11. The cause of action on which the judgment, order, or  
3 20 decree was based and the judgment, order, or decree are not  
3 21 inconsistent with any law of this state or repugnant to the  
3 22 public policy of this state.

3 23 Sec. 6. NEW SECTION. 626D.6 EFFECT OF LIEN OR  
3 24 ATTACHMENT.

3 25 A lien or attachment based upon a tribal court civil  
3 26 judgment, order, or decree of a federally recognized Indian  
3 27 tribe shall not be filed, entered in the judgment and lien  
3 28 docket, or recorded in this state against the real or personal  
3 29 property of any person unless the judgment, order, or decree  
3 30 has been recognized as valid by a court of this state pursuant  
3 31 to section 626D.5.

3 32 Sec. 7. APPLICABILITY. A tribal court civil judgment,  
3 33 order, or decree of a federally recognized Indian tribe is  
3 34 enforceable in the courts of this state only if the underlying  
3 35 cause of action accrued on or after the date of the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2007

Senate Study Bill 1246 continued

4 1 establishment of the tribal court of the federally recognized  
4 2 Indian tribe and only if the tribal court civil judgment,  
4 3 order, or decree was entered on or after the effective date of  
4 4 this Act. This Act shall not be construed to expand or limit  
4 5 the jurisdiction of the state of Iowa or any federally  
4 6 recognized Indian tribe in this state.

4 7 EXPLANATION

4 8 This bill creates new Code chapter 626D relating to the  
4 9 recognition and enforcement of civil judgments, orders, and  
4 10 decrees issued by a tribal court of a federally recognized  
4 11 Indian tribe.

4 12 The bill provides that a civil judgment, order, or decree  
4 13 issued by a tribal court of a federally recognized Indian  
4 14 tribe in this state may be enforced in a court in this state  
4 15 in the same manner and to the same extent as a civil judgment,  
4 16 order, or decree of any court of a sister state which is  
4 17 entitled to full faith and credit in this state, only if  
4 18 certain conditions are established by the federally recognized  
4 19 Indian tribe by clear and convincing evidence, including that  
4 20 the federally recognized Indian tribe that created the tribal  
4 21 court is organized under 25 U.S.C. } 461=479, the tribal  
4 22 documents meet certain authentication requirements established  
4 23 in the bill, the tribal court is a court of record pursuant to  
4 24 the requirements established in the bill, the tribal court  
4 25 judgment, order, or decree was rendered under a judicial  
4 26 system that provides impartial tribunals or procedures  
4 27 compatible with due process of law, and the tribal court  
4 28 judgment, order, or decree is a valid judgment, order, or  
4 29 decree under the requirements established in the bill.

4 30 The bill provides that to qualify for admission as evidence  
4 31 in the courts of this state, copies of the acts of the tribal  
4 32 legislative body shall be authenticated in accordance with the  
4 33 laws of the federally recognized Indian tribe and attested to  
4 34 by the appropriate tribal secretary and copies of records,  
4 35 judgments, orders, and decrees of the tribal court shall be



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate Study Bill 1246 continued

5 1 authenticated by the attestation of the clerk of court.  
5 2     The bill provides that in determining whether a tribal  
5 3 court of a federally recognized Indian tribe is a court of  
5 4 record, the Iowa court shall determine that the tribal court  
5 5 keeps a permanent record of all proceedings, a transcript or  
5 6 an electronic recording of the proceeding at issue in the  
5 7 tribal court is available, a final judgment of the tribal  
5 8 court is reviewable by a tribal appellate court or other  
5 9 superior court, and the tribal court has authority to enforce  
5 10 the tribal court's orders through contempt proceedings.  
5 11     The bill provides that in determining whether a tribal  
5 12 court civil judgment, order, or decree of a federally  
5 13 recognized Indian tribe is a valid judgment, order, or decree,  
5 14 the court shall examine the tribal court record to assure that  
5 15 the tribal court had jurisdiction of the subject matter and  
5 16 over the person named in the judgment, order, or decree; the  
5 17 judgment, order, or decree involves a matter or controversy  
5 18 between the members of the federally recognized Indian tribe,  
5 19 the federally recognized Indian tribe and members of the  
5 20 tribe, or the federally recognized Indian tribe or members of  
5 21 the federally recognized Indian tribe and a nonmember of the  
5 22 tribe who has expressly consented to be subject to the  
5 23 jurisdiction of the federally recognized Indian tribe; the  
5 24 judgment, order, or decree is final under the laws of the  
5 25 rendering court; the judgment, order, or decree is on the  
5 26 merits; the judgment, order, or decree was procured without  
5 27 fraud, duress, or coercion; the judgment, order, or decree was  
5 28 procured in compliance with the procedures required by the  
5 29 rendering court; the judgment, order, or decree was procured  
5 30 only after sufficient notice and an opportunity for a hearing  
5 31 was allowed on the merits of the cause of action; the  
5 32 judgment, order, or decree does not conflict with a previous  
5 33 final and conclusive judgment of an Iowa court; the judgment,  
5 34 order, or decree is not contrary to a settlement agreement  
5 35 entered into between the parties prior to the judgment, order,



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 19, 2007**

Senate Study Bill 1246 continued

6 1 or decree being rendered by the tribal court; the court  
6 2 proceedings comply with the requirements of the federal Indian  
6 3 Civil Rights Act of 1968; and the cause of action on which the  
6 4 judgment, order, or decree was based and the judgment, order,  
6 5 or decree are not inconsistent with any law of this state or  
6 6 repugnant to the public policy of this state.

6 7       The bill provides that a lien or attachment based upon a  
6 8 tribal court judgment, order, or decree of a federally  
6 9 recognized Indian tribe cannot be filed, entered in the  
6 10 judgment and lien docket, or recorded in this state against  
6 11 the real or personal property of any person unless the  
6 12 judgment, order, or decree has been recognized by an Iowa  
6 13 court pursuant to the requirements of the bill.

6 14       The bill provides that a tribal court civil judgment,  
6 15 order, or decree of a federally recognized Indian tribe is  
6 16 enforceable in the courts of this state only where the cause  
6 17 of action accrued on or after the date of the establishment of  
6 18 a tribal court of a federally recognized Indian tribe and only  
6 19 where the tribal court judgment, order, or decree was entered  
6 20 on or after the effective date of the bill. The bill shall  
6 21 not be construed to expand or limit the jurisdiction of the  
6 22 state of Iowa or any federally recognized Indian tribe in the  
6 23 state.

6 24 LSB 2163SC 82

6 25 rh:rj/je/5