



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2007

House Amendment 1065

PAG LIN

1 1 Amend Senate File 162, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, by inserting after line 2 the
1 4 following:
1 5 <d. Create a cloned human embryo.>
1 6 #2. Page 2, line 5, by inserting after the word
1 7 <"c"> the following: <or "d">.
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1 11 ROBERTS of Carroll
1 12 SF 162.701 82
1 13 pf/gg/6550
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House Amendment 1066

PAG LIN

1 1 Amend Senate File 162, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by striking line 3 and inserting the
1 4 following: <Human Cloning Repeal and Embryonic Stem
1 5 Cell Research Authorization Act".>
1 6 #2. Page 1, by striking lines 5 through 9 and
1 7 inserting the following:
1 8 <It is the purpose of this chapter to repeal the
1 9 prohibition on human cloning and to authorize
1 10 embryonic stem cell research in this state.>
1 11 #3. Title page, line 1, by striking the words
1 12 <creating the Iowa stem cell research and cures
1 13 initiative> and inserting the following: <repealing
1 14 the prohibition on human cloning and authorizing
1 15 embryonic stem cell research>.
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1 19 UPMEYER of Hancock
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1 23 TYMESON of Madison
1 24 SF 162.703 82
1 25 pf/gg/6548
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House Amendment 1067

PAG LIN

1 1 Amend House File 287 as follows:
1 2 #1. Page 2, by inserting after line 2 the
1 3 following:
1 4 <d. Create a cloned human embryo.>
1 5 #2. Page 2, line 5, by inserting after the letter
1 6 <"c"> the following: <or "d">.
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1 10 ROBERTS of Carroll
1 11 HF 287.201 82
1 12 pf/es/6544
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House Amendment 1068

PAG LIN

1 1 Amend House File 287 as follows:
1 2 #1. Page 1, by striking line 3 and inserting the
1 3 following: <Human Cloning Repeal and Embryonic Stem
1 4 Cell Research Authorization Act".>
1 5 #2. Page 1, by striking lines 5 through 9 and
1 6 inserting the following:
1 7 <It is the purpose of this chapter to repeal the
1 8 prohibition on human cloning and to authorize
1 9 embryonic stem cell research in this state.>
1 10 #3. Title page, line 1, by striking the words
1 11 <creating the Iowa stem cell research and cures
1 12 initiative> and inserting the following: <repealing
1 13 the prohibition on human cloning and authorizing
1 14 embryonic stem cell research>.
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1 18 UPMEYER of Hancock
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1 22 TYMESON of Madison
1 23 HF 287.202 82
1 24 pf/es/6549
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House Amendment 1069

PAG LIN

1 1 Amend House File 287 as follows:
 1 2 #1. Page 2, by inserting after line 18 the
 1 3 following:
 1 4 <Sec. ____ . NEW SECTION. 707C.5 DONATION OF
 1 5 OOCYTES == CONSIDERATION PROHIBITED.
 1 6 1. All of the following provisions shall apply to
 1 7 donation of an oocyte in this state for the purpose of
 1 8 conducting research:
 1 9 a. The person who receives a donated oocyte in
 1 10 this state shall report the donor of the oocyte to the
 1 11 department of public health utilizing a confidential
 1 12 identification process.
 1 13 b. The department of public health shall maintain
 1 14 a record of the reports made pursuant to paragraph "a"
 1 15 and shall submit a summary of the reports to the
 1 16 general assembly, annually, by December 31, regarding
 1 17 the number of donors and donations made.
 1 18 c. An individual who chooses to donate an oocyte
 1 19 shall not undergo more than one invasive procedure in
 1 20 a two-year period and no more than two invasive
 1 21 procedures in a lifetime for the purpose of extracting
 1 22 oocytes.
 1 23 d. A person donating an oocyte in this state shall
 1 24 not receive any type of consideration in exchange for
 1 25 the oocyte.
 1 26 2. The department of public health shall establish
 1 27 a confidential identification reporting process and
 1 28 shall adopt rules to administer this section.>
 1 29 #2. By renumbering as necessary.
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 1 33 ANDERSON of Page
 1 34 HF 287.204 82
 1 35 pf/es/6561
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House Amendment 1070

PAG LIN

1 1 Amend House File 287, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, by inserting after line 18 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 707C.5 DONATION OF
1 6 EMBRYOS AND INFORMED CONSENT FOR EMBRYONIC STEM CELL
1 7 RESEARCH.
1 8 Human embryos created only for the purpose of in
1 9 vitro fertilization, in excess of the clinical need,
1 10 may be donated for the purpose of embryonic stem cell
1 11 research and treatment and those human embryos donated
1 12 may be used for research and treatment, only if the
1 13 donation meets all of the following requirements:
1 14 1. The donation is voluntary.
1 15 2. No inducement, monetary or of any other nature,
1 16 is offered in exchange for the donation.
1 17 3. Informed consent for the donation is obtained
1 18 from the individuals participating in the in vitro
1 19 fertilization treatments.
1 20 4. The individuals participating in the in vitro
1 21 fertilization treatments are informed that the human
1 22 embryos may be placed for adoption.>
1 23 #2. By renumbering as necessary.
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1 27 UPMEYER of Hancock
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House Amendment 1070 continued

2 1 DE BOEF of Keokuk
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House Amendment 1070 continued

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3 3 STRUYK of Pottawattamie
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3 7 PAULSEN of Linn
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3 11 ANDERSON of Page
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3 47 S. OLSON of Clinton
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House Amendment 1070 continued

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4 41 VAN ENGELENHOVEN of Marion
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4 45 WORTHAN of Buena Vista
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4 47 HF 287.501 82
4 48 pf/je/6556



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House Amendment 1071

PAG LIN

1 1 Amend House File 287 as follows:
1 2 #1. Page 2, by inserting after line 2 the
1 3 following:
1 4 <d. Preserve a cloned human embryo for more than
1 5 fourteen days.>
1 6 #2. Page 2, line 5, by inserting after the letter
1 7 <"c"> the following: <or "d">.
1 8 #3. Page 2, by inserting after line 18 the
1 9 following:
1 10 <___. A person in this state who uses cloned human
1 11 embryos for research purposes shall report the status
1 12 and disposition of the cloned human embryos and stem
1 13 cells derived from each human embryo to the department
1 14 of public health. The department of public health
1 15 shall maintain a record of these reports and shall
1 16 submit a summary of the number of cloned human embryos
1 17 and stem cells, disposition of the cloned human
1 18 embryos and stem cells, and the method of disposition
1 19 to the general assembly, annually, by December 31.>
1 20 #4. By renumbering as necessary.
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1 24 ANDERSON of Page
1 25 HF 287.203 82
1 26 pf/es/6558
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House Amendment 1072

PAG LIN

1 1 Amend House File 287 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. POSTNATAL TISSUE AND FLUID BANKING
1 5 TASK FORCE.
1 6 1. The department of public health shall convene a
1 7 task force on postnatal tissue and fluid banking and
1 8 related postnatal procedures. The task force shall
1 9 consist of the following members, selected by the
1 10 institution or association specified or, if not
1 11 specified, selected by the director of public health:
1 12 a. The director of public health, or the
1 13 director's designee.
1 14 b. A representative of each of the public and
1 15 private colleges or universities in the state that
1 16 have interest in postnatal tissue and fluid for the
1 17 purposes of research or medical treatment.
1 18 c. A representative of the Iowa hospital
1 19 association.
1 20 d. A representative of the Iowa medical society.
1 21 e. A physician representing a birthing hospital.
1 22 f. A prenatal healthcare provider.
1 23 g. A representative of the Iowa midwives
1 24 association.
1 25 h. A representative of the postnatal tissue and
1 26 fluid research community.
1 27 i. A representative of recipients of postnatal
1 28 tissue and fluid transplants.
1 29 j. A representative of a postnatal tissue and
1 30 fluid transplant center.
1 31 k. A representative of a postnatal tissue and
1 32 fluid bank.
1 33 l. An attorney with expertise in public health or
1 34 biotechnology law, selected by the Iowa state bar
1 35 association.
1 36 2. Members of the task force shall receive actual
1 37 expenses incurred while serving in their official
1 38 capacity and may also be eligible to receive
1 39 compensation as provided in section 7E.6.
1 40 3. The director of public health, or the
1 41 director's designee, shall act as chairperson of the
1 42 task force. A majority of the members of the task
1 43 force shall constitute a quorum.
1 44 4. The task force shall investigate the optimum
1 45 method by which to establish a network of postnatal
1 46 tissue and fluid banks in partnership with public and
1 47 private colleges or universities, public and private
1 48 hospitals, or nonprofit organizations and private
1 49 organizations in the state to collect and store
1 50 postnatal tissue and fluid for the purposes of



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House Amendment 1072 continued

2 1 scientific research and medical treatment. The
2 2 investigation shall address and make recommendations
2 3 regarding all of the following:
2 4 a. Regulatory requirements for public and private
2 5 postnatal tissue and fluid banks in the state,
2 6 including regulations or protocols to govern donations
2 7 to the bank and the release and use of banked
2 8 postnatal tissue or fluid.
2 9 b. The development of a statewide network of
2 10 postnatal tissue and fluid banks and birthing hospital
2 11 collection sites in a manner that provides for
2 12 geographic distribution throughout the state.
2 13 c. The development of a statewide postnatal tissue
2 14 and fluid registry to identify, acquire, and
2 15 distribute donated postnatal tissue and fluid to
2 16 suitably matched candidates including documentation of
2 17 the collection, storage, distribution, and
2 18 transplantation of the postnatal tissue and fluid and
2 19 the clinical outcomes of all transplantations related
2 20 to the network.
2 21 d. Any incentives for donation to public postnatal
2 22 tissue and fluid banks.
2 23 e. Public awareness and encouragement of donation
2 24 or private storage of postnatal tissue and fluid by
2 25 providing information including but not limited to all
2 26 of the following:
2 27 (1) The current and potential future medical uses
2 28 of postnatal tissue and fluid.
2 29 (2) The benefits and risks associated with
2 30 postnatal tissue and fluid banking.
2 31 (3) Medical or family history criteria that may
2 32 impact a family's consideration of postnatal tissue
2 33 and fluid banking.
2 34 (4) An explanation of the differences between
2 35 private and public banking.
2 36 (5) Medically accepted uses and benefits of
2 37 postnatal tissue and fluid collection and
2 38 transplantation.
2 39 (6) The costs associated with donation and
2 40 storage, and an explanation of the storage,
2 41 maintenance, and viability for transplantation of
2 42 postnatal tissue and fluid.
2 43 f. Participation in the public cord blood bank
2 44 network established pursuant to the federal Stem Cell
2 45 Therapeutic and Research Act of 2005, Pub. L. No.
2 46 109=129, or other national or international networks.
2 47 g. Any changes in law or rules necessary to
2 48 implement a postnatal tissue and fluid banking network
2 49 in the state to provide for scientific research and
2 50 medical treatment.



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House Amendment 1072 continued

3 1 h. Consent and privacy protections related to
3 2 donation or private banking of postnatal tissue and
3 3 fluid.
3 4 i. Any fee structure to be associated with
3 5 participation in the postnatal tissue and fluid bank
3 6 network.
3 7 j. The costs associated with the operation and
3 8 maintenance of a public postnatal tissue and fluid
3 9 bank network, including the need for public funding.
3 10 5. In addition to postnatal tissue and fluid
3 11 banking the task force shall review the issue of the
3 12 retention, use, and disposition of neonatal metabolic
3 13 screening specimens, including but not limited to the
3 14 length of time the specimens are retained and specimen
3 15 research use.

3 16 6. The task force shall report its findings and
3 17 recommendations, along with any proposed legislation,
3 18 to the general assembly by November 1, 2007.

3 19 7. For the purposes of this section, "postnatal
3 20 tissue and fluid" means the placenta, umbilical cord,
3 21 umbilical cord blood, and amniotic fluid expelled or
3 22 extracted in connection with the birth of a child.

3 23 Sec. 2. APPROPRIATION. There is appropriated from
3 24 the general fund of the state to the department of
3 25 public health for the period beginning on the
3 26 effective date of this Act, and ending January 1,
3 27 2008, the following amount, or so much thereof as is
3 28 necessary, to be used for the purpose designated:

3 29 For the task force on postnatal tissue and fluid	
3 30 banking:	
3 31	\$ 20,000

3 32 Sec. 3. EFFECTIVE DATE. The sections of this Act
3 33 relating to the postnatal tissue and fluid banking
3 34 task force and the appropriation for the task force,
3 35 being deemed of immediate importance, take effect upon
3 36 enactment.>

3 37 #2. Title page, by striking lines 1 and 2 and
3 38 inserting the following: <An Act relating to the
3 39 creation of a task force on postnatal tissue and fluid
3 40 banking and other postnatal procedures, providing an
3 41 appropriation, and providing an effective date.>

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House Amendment 1072 continued

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House Amendment 1072 continued

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House Amendment 1072 continued

7 1 WORTHAN of Buena Vista
7 2 HF 287.205 82
7 3 pf/es/7016



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House Amendment 1073

PAG LIN

1 1 Amend Senate File 162, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, by inserting after line 18 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 707C.5 DONATION OF
1 6 EMBRYOS AND INFORMED CONSENT FOR EMBRYONIC STEM CELL
1 7 RESEARCH.
1 8 Human embryos created only for the purpose of in
1 9 vitro fertilization, in excess of the clinical need,
1 10 may be donated for the purpose of embryonic stem cell
1 11 research and treatment and those human embryos donated
1 12 may be used for research and treatment, only if the
1 13 donation meets all of the following requirements:
1 14 1. The donation is voluntary.
1 15 2. No inducement, monetary or of any other nature,
1 16 is offered in exchange for the donation.
1 17 3. Informed consent for the donation is obtained
1 18 from the individuals participating in the in vitro
1 19 fertilization treatments.
1 20 4. The individuals participating in the in vitro
1 21 fertilization treatments are informed that the human
1 22 embryos may be placed for adoption.>
1 23 #2. By renumbering as necessary.
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House Amendment 1073 continued

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House Amendment 1073 continued

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4 45 WORTHAN of Buena Vista
4 46 SF 162.301 82
4 47 pf/cf/6551



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House Amendment 1074

PAG LIN

1 1 Amend Senate File 162, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <Section 1. POSTNATAL TISSUE AND FLUID BANKING
1 6 TASK FORCE.
1 7 1. The department of public health shall convene a
1 8 task force on postnatal tissue and fluid banking and
1 9 related postnatal procedures. The task force shall
1 10 consist of the following members, selected by the
1 11 institution or association specified or, if not
1 12 specified, selected by the director of public health:
1 13 a. The director of public health, or the
1 14 director's designee.
1 15 b. A representative of each of the public and
1 16 private colleges or universities in the state that
1 17 have interest in postnatal tissue and fluid for the
1 18 purposes of research or medical treatment.
1 19 c. A representative of the Iowa hospital
1 20 association.
1 21 d. A representative of the Iowa medical society.
1 22 e. A physician representing a birthing hospital.
1 23 f. A prenatal healthcare provider.
1 24 g. A representative of the Iowa midwives
1 25 association.
1 26 h. A representative of the postnatal tissue and
1 27 fluid research community.
1 28 i. A representative of recipients of postnatal
1 29 tissue and fluid transplants.
1 30 j. A representative of a postnatal tissue and
1 31 fluid transplant center.
1 32 k. A representative of a postnatal tissue and
1 33 fluid bank.
1 34 l. An attorney with expertise in public health or
1 35 biotechnology law, selected by the Iowa state bar
1 36 association.
1 37 2. Members of the task force shall receive actual
1 38 expenses incurred while serving in their official
1 39 capacity and may also be eligible to receive
1 40 compensation as provided in section 7E.6.
1 41 3. The director of public health, or the
1 42 director's designee, shall act as chairperson of the
1 43 task force. A majority of the members of the task
1 44 force shall constitute a quorum.
1 45 4. The task force shall investigate the optimum
1 46 method by which to establish a network of postnatal
1 47 tissue and fluid banks in partnership with public and
1 48 private colleges or universities, public and private
1 49 hospitals, or nonprofit organizations and private
1 50 organizations in the state to collect and store



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House Amendment 1074 continued

2 1 postnatal tissue and fluid for the purposes of
2 2 scientific research and medical treatment. The
2 3 investigation shall address and make recommendations
2 4 regarding all of the following:
2 5 a. Regulatory requirements for public and private
2 6 postnatal tissue and fluid banks in the state,
2 7 including regulations or protocols to govern donations
2 8 to the bank and the release and use of banked
2 9 postnatal tissue or fluid.
2 10 b. The development of a statewide network of
2 11 postnatal tissue and fluid banks and birthing hospital
2 12 collection sites in a manner that provides for
2 13 geographic distribution throughout the state.
2 14 c. The development of a statewide postnatal tissue
2 15 and fluid registry to identify, acquire, and
2 16 distribute donated postnatal tissue and fluid to
2 17 suitably matched candidates including documentation of
2 18 the collection, storage, distribution, and
2 19 transplantation of the postnatal tissue and fluid and
2 20 the clinical outcomes of all transplantations related
2 21 to the network.
2 22 d. Any incentives for donation to public postnatal
2 23 tissue and fluid banks.
2 24 e. Public awareness and encouragement of donation
2 25 or private storage of postnatal tissue and fluid by
2 26 providing information including but not limited to all
2 27 of the following:
2 28 (1) The current and potential future medical uses
2 29 of postnatal tissue and fluid.
2 30 (2) The benefits and risks associated with
2 31 postnatal tissue and fluid banking.
2 32 (3) Medical or family history criteria that may
2 33 impact a family's consideration of postnatal tissue
2 34 and fluid banking.
2 35 (4) An explanation of the differences between
2 36 private and public banking.
2 37 (5) Medically accepted uses and benefits of
2 38 postnatal tissue and fluid collection and
2 39 transplantation.
2 40 (6) The costs associated with donation and
2 41 storage, and an explanation of the storage,
2 42 maintenance, and viability for transplantation of
2 43 postnatal tissue and fluid.
2 44 f. Participation in the public cord blood bank
2 45 network established pursuant to the federal Stem Cell
2 46 Therapeutic and Research Act of 2005, Pub. L. No.
2 47 109=129, or other national or international networks.
2 48 g. Any changes in law or rules necessary to
2 49 implement a postnatal tissue and fluid banking network
2 50 in the state to provide for scientific research and



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House Amendment 1074 continued

3 1 medical treatment.

3 2 h. Consent and privacy protections related to

3 3 donation or private banking of postnatal tissue and

3 4 fluid.

3 5 i. Any fee structure to be associated with

3 6 participation in the postnatal tissue and fluid bank

3 7 network.

3 8 j. The costs associated with the operation and

3 9 maintenance of a public postnatal tissue and fluid

3 10 bank network, including the need for public funding.

3 11 5. In addition to postnatal tissue and fluid

3 12 banking the task force shall review the issue of the

3 13 retention, use, and disposition of neonatal metabolic

3 14 screening specimens, including but not limited to the

3 15 length of time the specimens are retained and specimen

3 16 research use.

3 17 6. The task force shall report its findings and

3 18 recommendations, along with any proposed legislation,

3 19 to the general assembly by November 1, 2007.

3 20 7. For the purposes of this section, "postnatal

3 21 tissue and fluid" means the placenta, umbilical cord,

3 22 umbilical cord blood, and amniotic fluid expelled or

3 23 extracted in connection with the birth of a child.

3 24 Sec. 2. APPROPRIATION. There is appropriated from

3 25 the general fund of the state to the department of

3 26 public health for the period beginning on the

3 27 effective date of this Act, and ending January 1,

3 28 2008, the following amount, or so much thereof as is

3 29 necessary, to be used for the purpose designated:

3 30 For the task force on postnatal tissue and fluid

3 31 banking:

3 32 \$ 20,000

3 33 Sec. 3. EFFECTIVE DATE. The sections of this Act

3 34 relating to the postnatal tissue and fluid banking

3 35 task force and the appropriation for the task force,

3 36 being deemed of immediate importance, take effect upon

3 37 enactment.>

3 38 #2. Title page, by striking lines 1 and 2 and

3 39 inserting the following: <An Act relating to the

3 40 creation of a task force on postnatal tissue and fluid

3 41 banking and other postnatal procedures, providing an

3 42 appropriation, and providing an effective date.>

3 43

3 44

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3 46 ROBERTS of Carroll

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3 50 DOLECHECK of Ringgold



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House Amendment 1074 continued

4 1
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4 4 ALONS of Sioux
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4 8 CHAMBERS of O'Brien
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4 12 HUSEMAN of Cherokee
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4 16 RAECKER of Polk
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4 20 DE BOEF of Keokuk
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4 24 LUKAN of Dubuque
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4 28 HEATON of Henry
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4 32 GRASSLEY of Butler
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4 36 WINDSCHITL of Harrison
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4 40 DEYOE of Story
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4 44 KAUFMANN of Cedar
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4 48 SANDS of Louisa
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House Amendment 1074 continued

- 5 1
- 5 2 FORRISTALL of Pottawattamie
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- 5 5
- 5 6 WIENCEK of Black Hawk
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- 5 10 JACOBS of Polk
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- 5 14 SODERBERG of Plymouth
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- 5 17
- 5 18 J. K. VAN FOSSEN of Scott
- 5 19
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- 5 21
- 5 22 STRUYK of Pottawattamie
- 5 23
- 5 24
- 5 25
- 5 26 PAULSEN of Linn
- 5 27
- 5 28
- 5 29
- 5 30 BOAL of Polk
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- 5 32
- 5 33
- 5 34 ANDERSON of Page
- 5 35
- 5 36
- 5 37
- 5 38 ARNOLD of Lucas
- 5 39
- 5 40
- 5 41
- 5 42 BAUDLER of Adair
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- 5 44
- 5 45
- 5 46 DRAKE of Pottawattamie
- 5 47
- 5 48
- 5 49
- 5 50 GIPP of Winneshiek



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House Amendment 1074 continued

6 1
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6 4 GRANZOW of Hardin
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6 8 GREINER of Washington
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6 12 HOFFMAN of Crawford
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6 16 MAY of Dickinson
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6 20 S. OLSON of Clinton
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6 23
6 24 RASMUSSEN of Buchanan
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6 28 UPMEYER of Hancock
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6 32 WATTS of Dallas
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6 36 CLUTE of Polk
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6 40 HORBACH of Tama
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6 44 L. MILLER of Scott
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6 48 RANTS of Woodbury
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House Amendment 1074 continued

7 1
7 2 RAYHONS of Hancock
7 3
7 4
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7 6 TJEPKES of Webster
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7 10 TYMESON of Madison
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7 13
7 14 VAN ENGELENHOVEN of Marion
7 15
7 16
7 17
7 18 WORTHAN of Buena Vista
7 19 SF 162.204 82
7 20 pf/es/6040



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House File 461 - Introduced

HOUSE FILE
BY HUNTER

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

A BILL FOR

1 An Act relating to the establishment of regional sports
2 authorities by convention and visitors bureaus in certain
3 cities and making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2698HH 82
6 tm/je/5



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House File 461 - Introduced continued

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1 1 Section 1. NEW SECTION. 15E.321 REGIONAL SPORTS
1 2 AUTHORITIES == APPROPRIATION.

1 3 1. As used in this section, "authority" means a regional
1 4 sports authority established under this section.

1 5 2. The department shall request the convention and
1 6 visitors bureau in each of the ten largest cities in the
1 7 state, as shown by the 2000 certified federal census, to
1 8 establish a regional sports authority.

1 9 3. Each authority shall actively promote youth sports,
1 10 high school athletic activities, the special olympics, and
1 11 other nonprofessional sporting events in the local area.

1 12 4. Each authority shall be governed by a seven=member
1 13 board consisting of four members appointed by the local
1 14 convention and visitors bureau and three members appointed by
1 15 the city council. Each board shall be responsible for
1 16 administering programs designed to promote the activities
1 17 enumerated in subsection 3.

1 18 5. For each fiscal year there is appropriated from the
1 19 general fund of the state to the department of economic
1 20 development two million dollars to be distributed to all
1 21 regional sports authorities certified by the department as
1 22 operating qualifying programs on an equal basis.

1 23 EXPLANATION

1 24 This bill relates to the establishment of regional sports
1 25 authorities and makes appropriations.

1 26 The bill requires the department of economic development to
1 27 request the convention and visitors bureau in each of the 10
1 28 largest cities in the state to establish a regional sports
1 29 authority for its community. The bill provides that each
1 30 authority shall actively promote youth sports, high school
1 31 athletic activities, the special olympics, and other
1 32 nonprofessional sporting events in the local area. The bill
1 33 provides that each authority shall be governed by a seven=
1 34 member board.

1 35 The bill provides that each fiscal year the department of



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2 1 economic development is appropriated \$2 million from the
2 2 general fund of the state to be distributed to all regional
2 3 sports authorities operating qualifying programs on an equal
2 4 basis.
2 5 LSB 2698HH 82
2 6 tm:rj/je/5



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House File 462 - Introduced

HOUSE FILE
BY SMITH

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

A BILL FOR

1 An Act relating to the authority of the mental health, mental
2 retardation, developmental disabilities, and brain injury
3 commission to approve certain rules affecting disability
4 programs and services.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1661HH 82
7 jp/es/88



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House File 462 - Introduced continued

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1 1 Section 1. Section 225C.6, subsection 1, paragraph b, Code
1 2 2007, is amended to read as follows:

1 3 b. Adopt necessary rules pursuant to chapter 17A which
1 4 relate to disability programs and services, including but not
1 5 limited to definitions of each disability included within the
1 6 term "disability services" as necessary for purposes of state,
1 7 county, and regional planning, programs, and services. If a
1 8 rule affecting disability programs and services is subject to
1 9 adoption by the council on human services or another state
1 10 body, the rule shall not be adopted until the commission has
1 11 reviewed, revised, and approved the final version of the rule.

1 12 Sec. 2. Section 225C.6, subsection 1, paragraph e, Code
1 13 2007, is amended to read as follows:

1 14 e. Unless another governmental body sets standards for a
1 15 service available to persons with disabilities, adopt state
1 16 standards for that service. The commission shall provide that
1 17 a service provider's compliance with standards for a service
1 18 set by a nationally recognized body shall be deemed to be in
1 19 compliance with the state standards adopted by the commission
1 20 for that service. The commission shall adopt state standards
1 21 for those residential and community-based providers of
1 22 services to persons with mental illness or developmental
1 23 disabilities that are not otherwise subject to licensure by
1 24 the department of human services or department of inspections
1 25 and appeals, including but not limited to services payable
1 26 under the ~~adult rehabilitation option of the medical~~
1 27 ~~assistance program and other~~ disability services payable from
1 28 funds credited to a county mental health, mental retardation,
1 29 and developmental disabilities services fund created in
1 30 section 331.424A. In addition, the commission shall review
1 31 the licensing standards used by the department of human
1 32 services or department of inspections and appeals for those
1 33 facilities providing services to persons with mental illness
1 34 or developmental disabilities. If a rule affecting disability
1 35 programs and services is subject to adoption by the council on



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House File 462 - Introduced continued

2 1 human services or another state body, the rule shall not be
2 2 adopted until the commission has reviewed, revised, and
2 3 approved the final version of the rule.

2 4 Sec. 3. Section 225C.49, subsection 1, Code 2007, is
2 5 amended to read as follows:

2 6 1. The department shall provide coordination of the
2 7 programs administered by the department which serve
2 8 individuals with a disability and the individuals' families,
2 9 including but not limited to the following juvenile justice
2 10 and child welfare services: family-centered and intensive
2 11 family preservation services described under section 232.102,
2 12 decategorization of child welfare funding provided for under
2 13 section 232.188, and foster care services paid under section
2 14 234.35, subsection 3. The department shall regularly review
2 15 administrative rules associated with such programs and make
2 16 recommendations to the commission, council on human services,
2 17 governor, and general assembly for revisions to remove
2 18 barriers to the programs for individuals with a disability and
2 19 the individuals' families including the following:

2 20 a. Eligibility prerequisites which require declaring the
2 21 individual at risk of abuse, neglect, or out-of-home
2 22 placement.

2 23 b. Time limits on services which restrict addressing
2 24 ongoing needs of individuals with a disability and their
2 25 families.

2 26 Sec. 4. Section 249A.12, subsection 5, paragraph b, Code
2 27 2007, is amended to read as follows:

2 28 b. In implementing the provisions of this subsection, the
2 29 mental health, mental retardation, developmental disabilities,
2 30 and brain injury commission shall consult with other states.
2 31 The waiver revision request or other action necessary to
2 32 assist in the transition of service provision from
2 33 intermediate care facilities for persons with mental
2 34 retardation to alternative programs shall be implemented by
2 35 the department in a manner that can appropriately meet the



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House File 462 - Introduced continued

3 1 needs of individuals at an overall lower cost to counties, the
3 2 federal government, and the state. In addition, the
3 3 department shall take into consideration significant federal
3 4 changes to the medical assistance program in formulating the
3 5 department's actions under this subsection. The ~~department~~
~~3 6 shall consult with the~~ mental health, mental retardation,
3 7 developmental disabilities, and brain injury commission ~~in~~
~~3 8 adopting~~ shall review, revise, and approve the final version
3 9 of rules for oversight of facilities converted pursuant to
3 10 this subsection, prior to adoption of the rules. A transition
3 11 approach described in paragraph "a" may be modified as
3 12 necessary to obtain federal waiver approval.

3 13 EXPLANATION

3 14 This bill relates to the authority of the mental health,
3 15 mental retardation, developmental disabilities, and brain
3 16 injury commission to approve certain rules.

3 17 Existing law in Code section 225C.6, relating to the
3 18 commission's duties, provides authority to the commission to
3 19 adopt rules regarding services and other support available to
3 20 a person with mental illness, mental retardation or other
3 21 developmental disability, or brain injury. The bill provides
3 22 that if a rule affecting such services is subject to adoption
3 23 by the council on human services or other state body, the rule
3 24 cannot be adopted until the commission has reviewed, revised,
3 25 and approved the final version of the rule.

3 26 The bill inserts this requirement in a second paragraph of
3 27 Code section 225C.6 involving adoption of standards for
3 28 facilities providing services to persons with disabilities and
3 29 in a Code section 249A.12 requirement involving the transition
3 30 to alternatives to intermediate care facilities for persons
3 31 with mental retardation services. The scope of the Code
3 32 section 225C.6 provision is also amended to explicitly include
3 33 the medical assistance (Medicaid) program and county service
3 34 provisions involving disability services and to strike a
3 35 reference to the rehabilitation option under the Medicaid



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4 1 program that is no longer available.
4 2 The bill amends a Code section 225C.49 requirement for the
4 3 department of human services to make recommendations to a list
4 4 of various bodies and persons regarding revisions needed to
4 5 remove barriers for individuals with a disability to include
4 6 the commission in the list of those receiving the
4 7 recommendations.
4 8 LSB 1661HH 82
4 9 jp:rj/es/88



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House File 463 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act requiring inspections for lead-based paint hazards prior
- 2 to the sale of housing built before 1978.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1982HH 82
- 5 av/es/88



Iowa General Assembly
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House File 463 - Introduced continued

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1 1 Section 1. Section 558.69, Code 2007, is amended to read
1 2 as follows:

1 3 558.69 REPORTING OF PRIVATE BURIAL SITES, WELLS, DISPOSAL
1 4 SITES, UNDERGROUND STORAGE TANKS, LEAD=BASED PAINT HAZARDS,
1 5 AND HAZARDOUS WASTE == LIABILITY.

1 6 1. With each declaration of value submitted to the county
1 7 recorder under chapter 428A, there shall also be submitted a
1 8 statement regarding whether any known private burial site is
1 9 situated on the property, and if a known private burial site
1 10 is situated on the property, the statement shall state the
1 11 approximate location of the site.

1 12 a. The statement shall also state that no known wells are
1 13 situated on the property, or if known wells are situated on
1 14 the property, the statement must state the approximate
1 15 location of each known well and its status with respect to
1 16 section 455B.190 or 460.302.

1 17 b. The statement shall also state that no known disposal
1 18 site for solid waste, as defined in section 455B.301, which
1 19 has been deemed to be potentially hazardous by the department
1 20 of natural resources, exists on the property, or if such a
1 21 known disposal site does exist, the location of the site on
1 22 the property.

1 23 c. The statement shall additionally state that no known
1 24 underground storage tank, as defined in section 455B.471,
1 25 subsection 11, exists on the property, or if a known
1 26 underground storage tank does exist, the type and size of the
1 27 tank, and any known substance in the tank.

1 28 d. For housing that was built before 1978, the statement
1 29 shall also state that the housing has been tested by a person
1 30 who has been certified by the department of public health to
1 31 perform lead-based paint hazard testing and either found to
1 32 have no lead-based paint hazards within the meaning of the
1 33 federal Residential Lead-based Paint Hazard Reduction Act of
1 34 1992, 42 U.S.C. } 4851=4855, and amendments thereto, or found
1 35 to meet the requirements of the maintenance standard. For



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2 1 purposes of this paragraph, "maintenance standard" means any
2 2 of the following: repairing and repainting areas of
2 3 deteriorated paint inside a dwelling, cleaning the interior of
2 4 the dwelling to remove dust that constitutes a lead poisoning
2 5 hazard, adjusting doors and windows in the dwelling to
2 6 minimize friction or impact on surfaces, or providing the
2 7 purchaser of the dwelling with all information required
2 8 pursuant to the federal Residential Lead-based Paint Hazard
2 9 Reduction Act of 1992, 42 U.S.C. } 4851-4855, and amendments
2 10 thereto.

2 11 e. The statement shall also state that no known hazardous
2 12 waste as defined in section 455B.411, subsection 3, or listed
2 13 by the department pursuant to section 455B.412, subsection 1,
2 14 exists on the property, or if known hazardous waste does
2 15 exist, that the waste is being managed in accordance with
2 16 rules adopted by the department of natural resources.

2 17 2. The statement shall be signed by at least one of the
2 18 sellers or their agents. The county recorder shall refuse to
2 19 record any deed, instrument, or writing for which a
2 20 declaration of value is required under chapter 428A unless the
2 21 statement required by this section has been submitted to the
2 22 county recorder.

2 23 3. A buyer of property shall be provided with a copy of
2 24 the statement submitted, and, following the fulfillment of
2 25 this provision, if the statement submitted reveals no private
2 26 burial site, well, disposal site, underground storage tank,
2 27 lead-based paint hazards, or hazardous waste on the property,
2 28 the county recorder may destroy the statement. The land
2 29 application of sludges or soils resulting from the remediation
2 30 of underground storage tank releases accomplished in
2 31 compliance with department of natural resources rules without
2 32 a permit is not required to be reported as the disposal of
2 33 solid waste or hazardous waste.

2 34 4. If a declaration of value is not required, the above
2 35 information shall be submitted on a separate form. The



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3 1 director of the department of natural resources shall
3 2 prescribe the form of the statement and the separate form to
3 3 be supplied by each county recorder in the state. The county
3 4 recorder shall transmit the statements to the department of
3 5 natural resources at times directed by the director of the
3 6 department.

3 7 5. The owner of the property is responsible for the
3 8 accuracy of the information submitted on the form. The
3 9 owner's agent shall not be liable for the accuracy of
3 10 information provided by the owner of the property. The
3 11 provisions of this ~~paragraph~~ subsection do not limit liability
3 12 which may be imposed under a contract or under any other law.

3 13 EXPLANATION

3 14 This bill requires that each declaration of value submitted
3 15 to the county recorder in connection with a real estate
3 16 transfer of housing built before 1978 must include a statement
3 17 that the housing has been tested for lead-based paint hazards
3 18 by a certified inspector and either is free of such hazards
3 19 within the meaning of the federal Residential Lead-based Paint
3 20 Hazard Reduction Act of 1992, 42 U.S.C. } 4851=4855, and
3 21 amendments thereto, or meets the requirements of the
3 22 maintenance standard.

3 23 "Maintenance standard" means any of the following:
3 24 repairing and repainting areas of deteriorated paint inside a
3 25 dwelling, cleaning the interior of the dwelling to remove dust
3 26 that constitutes a lead poisoning hazard, adjusting doors and
3 27 windows in the dwelling to minimize friction or impact on
3 28 surfaces, or providing the purchaser of the dwelling with all
3 29 information required pursuant to the federal Residential
3 30 Lead-based Paint Hazard Reduction Act of 1992, 42 U.S.C. }
3 31 4851=4855, and amendments thereto.

3 32 LSB 1982HH 82

3 33 av:nh/es/88



Iowa General Assembly
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House File 464 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

1 An Act relating to the certification and registration of real
2 estate appraisers, providing a penalty, and making an
3 appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2478HH 82
6 jr/je/5



Iowa General Assembly
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1 1 Section 1. NEW SECTION. 543D.3A REGISTRATION REQUIRED.

1 2 A person engaged in the business or acting in the capacity
1 3 of a real estate appraiser for compensation within this state
1 4 shall register annually with the board. The board shall
1 5 maintain a list of registrations at the board office, which
1 6 list shall be available for public inspection.

1 7 Sec. 2. Section 543D.17, subsection 1, paragraph f, Code
1 8 2007, is amended to read as follows:

1 9 f. Negligence, ~~or incompetence in developing an appraisal,~~
~~1 10 in preparing an appraisal report, or in communicating an~~
~~1 11 appraisal , or acting with advocacy or bias while involved in~~
1 12 valuation assignments in real property appraisal practice.

1 13 Sec. 3. Section 543D.17, subsection 3, Code 2007, is
1 14 amended to read as follows:

1 15 3. Notwithstanding the limitations of section 272C.3,
1 16 subsection 2, paragraph "e", the board shall adopt a rule
1 17 providing for civil penalties in amounts and for the reasons
1 18 authorized by federal law where federal law requires the board
1 19 to have the authority to impose the civil penalties in order
1 20 to obtain or to retain the board's designation as a qualified
1 21 state appraiser certifying agency. An administrative penalty
1 22 imposed under this section shall not be more than one thousand
1 23 dollars in the case of a first violation and not more than
1 24 five thousand dollars for each second or subsequent violation.
1 25 All administrative penalties collected pursuant to this
1 26 chapter shall be deposited in the housing trust fund created
1 27 in section 16.181.

1 28 Sec. 4. Section 543D.17, Code 2007, is amended by adding
1 29 the following new subsection:

1 30 NEW SUBSECTION. 4. The board may investigate complaints
1 31 and initiate complaints against compensated real estate
1 32 appraisers who are not certified pursuant to this chapter and
1 33 may impose a penalty as provided in this chapter.

1 34 Sec. 5. NEW SECTION. 543D.20 EXCLUSIONS.

1 35 1. This chapter does not apply to any of the following:



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2 1 a. An individual licensed under chapter 543B who does not
2 2 provide an appraisal, but who in the ordinary course of a real
2 3 estate brokerage business provides a recommendation of price
2 4 or pricing of real estate in connection with the listing of
2 5 property for sale or lease, or to assist a potential purchaser
2 6 or lessee in developing an offer to purchase or lease
2 7 property. No compensation, fee, or other consideration shall
2 8 be charged for such recommendation other than a real estate
2 9 commission or brokerage fee unless the recommendation is in
2 10 writing and includes a prominent disclosure stating that the
2 11 recommendation is not an appraisal, is intended only for the
2 12 benefit of the addressee in connection with the listing, sale,
2 13 lease, or purchase of real estate, and is not intended for any
2 14 other purpose, including but not limited to lending purposes.
2 15 Providing a recommendation pursuant to this paragraph is not
2 16 subject to the uniform standards of professional appraisal
2 17 practice adopted by the appraisal foundation.

2 18 b. An individual who provides administrative services to a
2 19 certified real estate appraiser, such as taking photographs,
2 20 preparing charts, or typing reports, who is not an associate
2 21 real estate appraiser and who does not provide any assistance
2 22 in developing the analysis, valuation, opinions, or
2 23 conclusions associated with the appraisal assignment.

2 24 c. Unless otherwise required by federal, state, or local
2 25 law, rule, ordinance, or policy, an employee of any of the
2 26 following:

2 27 (1) The federal government.

2 28 (2) The state, or any agency, department, or political
2 29 subdivision of the state, except as provided for an employee
2 30 of the state department of transportation pursuant to section
2 31 543D.3.

2 32 (3) A financial institution as defined in section 535A.1.

2 33 (4) An insurance company authorized to transact the
2 34 business of insurance in this state.

2 35 2. An individual under subsection 1, paragraph "a", may



**Iowa General Assembly
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House File 464 - Introduced continued

3 1 provide a recommendation of price or pricing of real estate if
 3 2 rendered solely for the purpose of real estate taxation.
 3 3 3. An employee under subsection 1, paragraph "c", shall
 3 4 not provide appraisal services or complete an appraisal
 3 5 assignment for anyone other than the person's employer unless
 3 6 certified under this chapter.

3 7 Sec. 6. APPROPRIATION. There is appropriated from the
 3 8 general fund of the state to the real estate appraiser
 3 9 examining board for the fiscal year beginning July 1, 2007,
 3 10 and ending June 30, 2008, the following amount, or so much
 3 11 thereof as is necessary, to be used for the purpose
 3 12 designated:

3 13 For the purpose of funding full-time equivalent positions
 3 14 for enforcement of the provisions of chapter 543D:
 3 15 \$ 150,000

EXPLANATION

3 17 This bill requires that any person who provides real estate
 3 18 appraisal services in this state, for compensation, must
 3 19 register with the board. The board shall maintain a list of
 3 20 registrations at the board office, available for public
 3 21 inspection. The bill provides, in new Code section 543D.20, a
 3 22 list of persons who are not subject to the provisions of Code
 3 23 chapter 543D.

3 24 The bill also prohibits an appraiser from acting with
 3 25 advocacy or bias while involved in valuation assignments in
 3 26 real property appraisal practice and imposes a penalty.

3 27 The bill appropriates \$150,000 for the purpose of funding
 3 28 staff positions to enforce these licensing provisions.

3 29 LSB 2478HH 82

3 30 jr:nh/je/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2007

House File 465 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

1 An Act requiring the use of helmets by motorcycle and motorized
2 bicycle operators and passengers under eighteen years of age
3 and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2246HH 82
6 dea/es/88



Iowa General Assembly
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House File 465 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.210, subsection 2, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. Violations of motorcycle helmet
1 4 requirements under section 321.447.
1 5 Sec. 2. NEW SECTION. 321.447 PERSONS UNDER AGE EIGHTEEN
1 6 == MOTORCYCLE HELMET REQUIRED.
1 7 1. A person under eighteen years of age who is operating a
1 8 motorcycle or motorized bicycle or who is being transported on
1 9 a motorcycle or motorized bicycle shall wear a properly
1 10 adjusted and fastened motorcycle helmet any time the vehicle
1 11 is in motion on a street or highway. For purposes of this
1 12 section, "motorcycle helmet" means a helmet that complies with
1 13 the standards and specifications established under 49 C.F.R. }
1 14 571.218.
1 15 2. The operator and passenger may each be charged
1 16 separately for a violation of this section. A person who
1 17 violates this section commits a simple misdemeanor punishable
1 18 as a scheduled violation under section 805.8A, subsection 14,
1 19 paragraph "c".
1 20 Sec. 3. Section 321.555, subsection 2, Code 2007, is
1 21 amended to read as follows:
1 22 2. Six or more of any separate and distinct offenses
1 23 within a two-year period in the operation of a motor vehicle,
1 24 which are required to be reported to the department by section
1 25 321.491 or chapter 321C, except equipment violations, parking
1 26 violations as defined in section 321.210, violations of
1 27 registration laws, violations of sections 321.445, ~~and~~
1 28 321.446, and 321.447, operating a vehicle with an expired
1 29 license or permit, failure to appear, weights and measures
1 30 violations, and speeding violations of less than fifteen miles
1 31 per hour over the legal speed limit.
1 32 Sec. 4. Section 805.8A, subsection 14, paragraph c, Code
1 33 2007, is amended to read as follows:
1 34 c. SEAT BELT, OR RESTRAINT, OR HELMET VIOLATIONS. For
1 35 violations under sections 321.445, ~~and~~ 321.446, and 321.447,



Iowa General Assembly
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House File 465 - Introduced continued

2 1 the scheduled fine is twenty-five dollars.
2 2 EXPLANATION
2 3 This bill requires that a person under eighteen years of
2 4 age shall wear a properly adjusted and fastened motorcycle
2 5 helmet when operating or being transported on a motorcycle or
2 6 motorized bicycle. The helmet must comply with federal
2 7 standards and specifications for motorcycle helmets.
2 8 A violation of the helmet requirement is a simple
2 9 misdemeanor punishable by a scheduled fine of \$25. The
2 10 operator of the motorcycle or motorized bicycle and the
2 11 passenger may each be charged separately with a violation.
2 12 However, violations of helmet requirements may not be taken
2 13 into account for purposes of determining a person to be a
2 14 habitual violator of traffic laws subject to administrative
2 15 suspension of a driver's license. These penalty provisions
2 16 mirror existing law pertaining to the use of seat belts and
2 17 child restraint devices.
2 18 LSB 2246HH 82
2 19 dea:nh/es/88



Iowa General Assembly
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House File 466 - Introduced

HOUSE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 200)

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

A BILL FOR

- 1 An Act appropriating revenues from the state franchise tax to
- 2 cities and counties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1534HV 82
- 5 mg/sh/8



Iowa General Assembly
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February 21, 2007

House File 466 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.427, subsection 1, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 Except as otherwise provided by state law, county revenues
1 4 from taxes and other sources for general county services shall
1 5 be credited to the general fund of the county, including
1 6 revenues received under sections 9I.11, 101A.3, 101A.7,
1 7 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,
1 8 321I.8, section 331.554, subsection 6, sections 341A.20,
1 9 364.3, 368.21, 422.65, 423A.7, 428A.8, 430A.3, 433.15, 434.19,
1 10 445.57, 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 583.6,
1 11 602.8108, 904.908, and 906.17, and the following:
1 12 Sec. 2. NEW SECTION. 422.65 ALLOCATION OF REVENUE.
1 13 All moneys received from the franchise tax shall be
1 14 deposited in the general fund of the state. Commencing with
1 15 the fiscal year beginning July 1, 2007, there is appropriated
1 16 for each fiscal year from the franchise tax moneys received
1 17 and deposited in the general fund of the state the sum of
1 18 eight million eight hundred thousand dollars which shall be
1 19 paid quarterly on warrants by the director, after
1 20 certification by the director, as follows:
1 21 1. Sixty percent to the general fund of the city from
1 22 which the tax is collected.
1 23 2. Forty percent to the county from which the tax is
1 24 collected.
1 25 If the financial institution maintains one or more offices
1 26 for the transaction of business, other than its principal
1 27 office, a portion of its franchise tax shall be allocated to
1 28 each office, based upon a reasonable measure of the business
1 29 activity of each office. The director shall prescribe, for
1 30 each type of financial institution, a method of measuring the
1 31 business activity of each office. Financial institutions
1 32 shall furnish all necessary information for this purpose at
1 33 the request of the director.
1 34 Quarterly, the director shall certify to the treasurer of
1 35 state the amounts to be paid to each city and county from the



**Iowa General Assembly
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House File 466 - Introduced continued

2 1 general fund of the state. All moneys received from the
2 2 franchise tax are appropriated according to the provisions of
2 3 this section.

2 4 EXPLANATION

2 5 This bill reenacts the annual appropriation of \$8.8 million
2 6 of state franchise tax revenues and its allocation to cities
2 7 and counties. This annual appropriation and allocation were
2 8 repealed in 2003 Iowa Acts, chapter 178, section 11. The
2 9 annual appropriation and allocation will commence with the
2 10 fiscal year beginning July 1, 2007.

2 11 LSB 1534HV 82

2 12 mg:rj/sh/8



Iowa General Assembly
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House File 467 - Introduced

HOUSE FILE
BY ALONS

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to bait sales by nonresident aquaculture unit
- 2 licensees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2438HH 82
- 5 av/es/88



Iowa General Assembly
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February 21, 2007

House File 467 - Introduced continued

PAG LIN

1 1 Section 1. Section 481A.142, subsection 5, paragraph b,
1 2 Code 2007, is amended by striking the paragraph and inserting
1 3 in lieu thereof the following:
1 4 b. A nonresident aquaculture unit licensee may sell bait
1 5 to licensed wholesale bait dealers in Iowa. A nonresident
1 6 aquaculture unit licensee shall not sell bait to licensed
1 7 resident retail bait dealers in Iowa unless the home state of
1 8 the nonresident licensee allows residents of Iowa to sell bait
1 9 to licensed resident retail bait dealers in that state.

1 10 EXPLANATION

1 11 This bill relates to bait sales by nonresident aquaculture
1 12 licensees. The bill provides that nonresident aquaculture
1 13 unit licensees may sell bait to licensed wholesale bait
1 14 dealers in Iowa. The bill also provides that a nonresident
1 15 aquaculture unit licensee shall not sell bait to licensed
1 16 resident retail bait dealers in Iowa unless the home state of
1 17 the nonresident licensee allows Iowans to sell bait to
1 18 licensed resident retail bait dealers in that state.

1 19 Currently, a nonresident aquaculture licensee is limited to
1 20 selling bait at wholesale unless the home state of the
1 21 licensee allows Iowans to sell a bait at retail in that state.

1 22 LSB 2438HH 82

1 23 av:nh/es/88



Iowa General Assembly
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February 21, 2007

House File 468 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 154)

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

A BILL FOR

- 1 An Act requiring a study by the department of education relating
- 2 to implementation of a statewide student information system.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1884HV 82
- 5 ak/je/5



Iowa General Assembly
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House File 468 - Introduced continued

PAG LIN

1 1 Section 1. STATEWIDE STUDENT INFORMATION SYSTEM == STUDY.
1 2 The department shall conduct a study regarding the student
1 3 information systems currently in use in the state, the types
1 4 of data collected, and the future needs for additional types
1 5 of data at the kindergarten through grade twelve and
1 6 postsecondary levels and for use by the state, including but
1 7 not limited to the use of electronic student transcripts to
1 8 share with other kindergarten through grade twelve and
1 9 postsecondary institutions. This study shall examine the
1 10 systems in use in other states as well as current systems
1 11 approved for use within the department of education's project
1 12 easier and the emerging student information data systems under
1 13 development. The study shall take under consideration a
1 14 recommendation on limits on the numbers of software systems
1 15 approved to connect to project easier. The study shall focus
1 16 on systems that will improve efficiency, accuracy, and
1 17 security of, and access to, the data by various users. The
1 18 department shall submit a report to the general assembly by
1 19 January 15, 2008, regarding its conclusions and
1 20 recommendations.

1 21

EXPLANATION

1 22 This bill requires the department of education to conduct a
1 23 study regarding the student information systems that are
1 24 currently in use in the state.

1 25 The bill requires that the department's study examine the
1 26 types of data collected and the future needs of data for the
1 27 kindergarten through grade 12 and postsecondary levels and for
1 28 use by the state. This would include electronic transcripts
1 29 that could be shared with other schools. The bill also
1 30 requires that systems in other states and the department's
1 31 project easier be examined. The study will consider
1 32 recommendations on the limits on the numbers of software
1 33 systems approved to connect to project easier.

1 34 The bill requires the study to focus on systems that will
1 35 provide efficiency, accuracy, and security of, and access to,



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House File 468 - Introduced continued

2 1 the data by various users. A report of findings and
2 2 conclusions shall be submitted by the department to the
2 3 general assembly by January 15, 2008.
2 4 LSB 1884HV 82
2 5 ak:nh/je/5



Iowa General Assembly
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House File 469 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 156)

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

A BILL FOR

1 An Act relating to permissible uses of physical plant and
2 equipment levy revenue, and including an applicability
3 provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1447HV 82
6 ak/sh/8



**Iowa General Assembly
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House File 469 - Introduced continued

PAG LIN

1 1 Section 1. Section 298.3, subsection 9, Code 2007, is
 1 2 amended to read as follows:
 1 3 9. Purchase ~~of~~, lease, or entrance into an agreement under
 1 4 chapter 28E to purchase or lease, to provide transportation
 1 5 equipment for transporting students, including transportation
 1 6 replacement parts and renovations exceeding five hundred
 1 7 dollars.

1 8 Sec. 2. APPLICABILITY. This Act is applicable for
 1 9 physical plant and equipment levies imposed either through
 1 10 board authorization or voter approval on or after the
 1 11 effective date of this Act, or local option sales taxes for
 1 12 school infrastructure purposes imposed on or after the
 1 13 effective date of this Act.

EXPLANATION

1 14 This bill concerns permissible uses of physical plant and
 1 15 equipment levy revenue. The bill provides that revenue may be
 1 16 additionally expended for leasing, or the entrance into an
 1 17 agreement under Code chapter 28E to purchase or lease, to
 1 18 provide transportation equipment.

1 19 The bill provides that revenue may also be spent on
 1 20 transportation replacement parts and renovations that exceed
 1 21 \$500.

1 22 The bill is applicable for physical plant and equipment
 1 23 levies imposed on or after the bill's effective date, and
 1 24 because Code section 423E.1 includes the purposes authorized
 1 25 for the physical plant and equipment levy in the definition of
 1 26 "school infrastructure", the bill is also applicable to local
 1 27 option sales taxes for school infrastructure purposes imposed
 1 28 on or after the bill's effective date.

1 29 LSB 1447HV 82

1 30 ak:nh/sh/8



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House File 470 - Introduced

HOUSE FILE
BY FORD and ABDUL-SAMAD

(COMPANION TO LSB 2491SS
BY BOLKCOM)

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

A BILL FOR

- 1 An Act relating to policies granting resident status for purposes
- 2 of paying postsecondary tuition and fees at public
- 3 institutions of higher education.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2491HH 82
- 6 kh/cf/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 21, 2007

House File 470 - Introduced continued

PAG LIN

1 1 Section 1. SHORT TITLE. This Act shall be known as the
1 2 "Iowa Opportunities Workforce Act".
1 3 Sec. 2. Section 260C.14, Code 2007, is amended by adding
1 4 the following new subsection:
1 5 NEW SUBSECTION. 22. Adopt a policy, to take effect not
1 6 later than January 1, 2008, relating to an additional
1 7 classification of students for purposes of determining tuition
1 8 and fees, that provides equal opportunity for granting
1 9 resident status to individuals who meet all of the following
1 10 conditions:
1 11 a. Attended an accredited school in this state for at
1 12 least five years as of the date the individual graduated from
1 13 an accredited high school or received a high school
1 14 equivalency diploma in this state.
1 15 b. Is accepted for enrollment in a community college in
1 16 this state.
1 17 c. Was not required to pay tuition to attend a public high
1 18 school in this state.
1 19 d. Signs an affidavit, if the individual does not have a
1 20 social security number, stating that the individual will
1 21 pursue citizenship in the United States at the earliest
1 22 possible time the individual is able to do so.
1 23 Sec. 3. Section 262.9, Code 2007, is amended by adding the
1 24 following new subsection:
1 25 NEW SUBSECTION. 31. Adopt a policy, to take effect not
1 26 later than January 1, 2008, relating to an additional
1 27 classification of students for purposes of determining tuition
1 28 and fees, that provides equal opportunity for granting
1 29 resident status to individuals who meet all of the following
1 30 conditions:
1 31 a. Attended an accredited school in this state for at
1 32 least five years as of the date the individual graduated from
1 33 an accredited high school or received a high school
1 34 equivalency diploma in this state.
1 35 b. Is accepted for enrollment in a university under the



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House File 470 - Introduced continued

2 1 control of the board in this state.
2 2 c. Was not required to pay tuition to attend a public high
2 3 school in this state.
2 4 d. Signs an affidavit, if the individual does not have a
2 5 social security number, stating that the individual will
2 6 pursue citizenship in the United States at the earliest
2 7 possible time the individual is able to do so.

2 8 EXPLANATION

2 9 This bill directs the board of directors of a community
2 10 college and the state board of regents to adopt policies, to
2 11 take effect not later than January 1, 2008, relating to an
2 12 additional classification of students for purposes of
2 13 determining tuition and fees, that provide equal opportunity
2 14 for granting resident status to certain individuals. The bill
2 15 includes a short title so that it will be known and may be
2 16 cited to as the "Iowa Opportunities Workforce Act".

2 17 To meet the requirements of the policy, an individual must
2 18 have attended an accredited school in this state for at least
2 19 five years or received a high school equivalency diploma in
2 20 this state, be accepted for enrollment in a public
2 21 postsecondary institution in this state, must not have been
2 22 required to pay tuition to attend a public high school in this
2 23 state, and must sign an affidavit, if the individual does not
2 24 have a social security number, stating that the individual
2 25 will pursue U.S. citizenship at the earliest possible time the
2 26 individual is able to do so.

2 27 LSB 2491HH 82

2 28 kh:rj/cf/24



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House File 471 - Introduced

HOUSE FILE
BY ABDUL=SAMAD, SWAIM, GAYMAN,
WINCKLER, BERRY, H. MILLER,
FORD, and WESSEL=KROESCHELL

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to pilot projects for culturally competent
- 2 substance abuse treatment and providing an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2318HH 82
- 5 jp/es/88



**Iowa General Assembly
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House File 471 - Introduced continued

PAG LIN

1 1 Section 1. CULTURALLY COMPETENT SUBSTANCE ABUSE TREATMENT
 1 2 PILOT PROJECTS.
 1 3 1. There is appropriated from the general fund of the
 1 4 state to the department of public health for the fiscal year
 1 5 beginning July 1, 2007, and ending June 30, 2008, the
 1 6 following amount, or so much thereof as is necessary, to be
 1 7 used for the purposes designated:
 1 8 For implementation of pilot projects in accordance with
 1 9 this section:
 1 10 \$ 450,000
 1 11 2. The department shall utilize the amount appropriated in
 1 12 this section to contract for at least three pilot projects to
 1 13 provide culturally competent substance abuse treatment in
 1 14 various areas of the state. Each pilot project shall target a
 1 15 particular ethnic minority population. The populations
 1 16 targeted shall include but are not limited to
 1 17 African=American, Asian, and Latino.
 1 18 3. The pilot project requirements shall provide for
 1 19 documentation or other means to ensure access to the cultural
 1 20 competence approach used by a pilot project so that such
 1 21 approach can be replicated and improved upon in successor
 1 22 programs.
 1 23 EXPLANATION
 1 24 This bill relates to pilot projects for culturally
 1 25 competent substance abuse treatment by providing an
 1 26 appropriation to the department of public health to contract
 1 27 for at least three projects.
 1 28 The ethnic populations addressed must include
 1 29 African=American, Asian, and Latino. The pilot project
 1 30 provisions are required to provide for documentation or other
 1 31 means to ensure that the cultural competence approach used by
 1 32 the pilot project can be replicated and improved upon in
 1 33 successor programs.
 1 34 LSB 2318HH 82
 1 35 jp:sc/es/88



Iowa General Assembly
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House File 472 - Introduced

HOUSE FILE
BY ABDUL=SAMAD

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

A BILL FOR

1 An Act requiring a consultant in the department of education to
2 coordinate programs for at-risk children and youth, and
3 providing an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2322HH 82
6 ak/je/5



**Iowa General Assembly
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House File 472 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 256.10B CONSULTANT == AT=RISK
 1 2 YOUTH.
 1 3 The department of education shall create a full-time
 1 4 consultant position to manage funding and program development
 1 5 for at-risk children and youth. The consultant's duties shall
 1 6 include the following:
 1 7 1. Manage program development for dropouts and dropout
 1 8 prevention.
 1 9 2. Manage the funding process in section 257.38.
 1 10 3. Organize staff development in regard to at-risk
 1 11 programs with area education agencies.
 1 12 4. Provide website development for immediate access to
 1 13 information about at-risk programs, including alternative
 1 14 schools.
 1 15 5. Oversee the creation and improvement of alternative
 1 16 schools and programs.
 1 17 6. Coordinate multiagency efforts to serve at-risk
 1 18 populations.
 1 19 Sec. 2. APPROPRIATION. There is appropriated from the
 1 20 general fund of the state to the department of education for
 1 21 the fiscal year beginning July 1, 2007, and ending June 30,
 1 22 2008, the following amount, or so much thereof as is
 1 23 necessary, to be used for the purposes designated:
 1 24 For an at-risk consultant position as provided in section
 1 25 256.10B, as enacted in this Act:
 1 26 \$ 150,000
 1 27 In addition, the moneys appropriated in this section may be
 1 28 used for staff development and website development related to
 1 29 at-risk children and youth.
 1 30 EXPLANATION
 1 31 This bill provides that the department of education shall
 1 32 create a full-time consultant position to manage funding and
 1 33 program development for at-risk children and youth.
 1 34 The consultant's duties shall include managing the program
 1 35 development for dropouts and dropout programs; managing the



**Iowa General Assembly
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House File 472 - Introduced continued

2 1 funding process in Code section 257.38; organizing staff
2 2 development about at-risk programs with area education
2 3 agencies; providing website development for immediate access
2 4 to information about at-risk programs, including alternative
2 5 schools; overseeing the creation and improvement of
2 6 alternative schools and programs; and coordinating multiagency
2 7 efforts to serve at-risk populations.
2 8 The bill provides a \$150,000 appropriation from the general
2 9 fund of the state to pay for the at-risk youth consultant and
2 10 to pay for staff development and website development related
2 11 to at-risk children and youth.
2 12 LSB 2322HH 82
2 13 ak:nh/je/5



Iowa General Assembly
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February 21, 2007

House File 473 - Introduced

HOUSE FILE
BY KAUFMANN

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

A BILL FOR

1 An Act relating to the appointment or election of district
2 judicial nominating commissioners and the appointment of
3 district judges.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1582YH 82
6 jm/es/88



Iowa General Assembly
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House File 473 - Introduced continued

PAG LIN

1 1 Section 1. Section 46.3, Code 2007, is amended to read as
1 2 follows:

1 3 46.3 APPOINTMENT OF DISTRICT JUDICIAL NOMINATING
1 4 COMMISSIONERS.

1 5 1. The governor shall appoint five eligible electors of
1 6 each judicial election district to the district judicial
1 7 nominating commission.

1 8 2. ~~Appointments~~ The appointments made by the governor
1 9 shall be to staggered terms of six years each and shall be
1 10 made in the month of January for terms commencing February 1
1 11 of even-numbered years.

1 12 3. ~~No more than a~~ A simple majority of the commissioners
1 13 appointed by the governor shall be of the same gender.

1 14 4. ~~Beginning with terms commencing February 1, 2008, there~~
1 15 ~~shall not be more than one appointed commissioner from a~~
1 16 ~~county within a judicial election district unless each county~~
1 17 ~~within the judicial election district has an appointed~~
1 18 ~~commissioner and the number of appointed commissioners exceeds~~
1 19 ~~the number of counties within the judicial election district.~~
1 20 ~~This subsection shall not be used to remove an appointed~~
1 21 ~~commissioner from office prior to the expiration of the~~
1 22 ~~commissioner's term.~~

1 23 Sec. 2. Section 46.4, Code 2007, is amended to read as
1 24 follows:

1 25 46.4 ELECTION OF DISTRICT JUDICIAL NOMINATING
1 26 COMMISSIONERS.

1 27 1. The resident members of the bar of each judicial
1 28 election district shall elect five eligible electors of the
1 29 district to the district judicial nominating commission.
1 30 Commissioners shall be elected to staggered terms of six years
1 31 each. The elections shall be held in the month of January for
1 32 terms commencing February 1 of even-numbered years.

1 33 2. For terms commencing February 1, 1988, and every six
1 34 years thereafter, one elected commissioner in each district
1 35 shall be a woman and one shall be a man. For terms commencing



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2 1 February 1, 1990, and every six years thereafter, one elected
2 2 commissioner in each district shall be a woman and one shall
2 3 be a man. For the term commencing February 1, 1992, in the
2 4 odd-numbered districts the elected commissioner shall be a
2 5 woman and in the even-numbered districts the elected
2 6 commissioner shall be a man. For the terms commencing every
2 7 six years thereafter, the districts shall alternate between
2 8 women and men elected commissioners.

2 9 3. Beginning with the terms commencing February 1, 2008,
2 10 there shall not be more than one commissioner from a county
2 11 within a judicial election district unless each county within
2 12 the judicial election district has an elected commissioner and
2 13 the number of elected commissioners exceeds the number of
2 14 counties within the judicial election district. This
2 15 subsection shall not be used to remove an elected commissioner
2 16 from office prior to the expiration of the commissioner's
2 17 term.

2 18 Sec. 3. Section 46.14, Code 2007, is amended to read as
2 19 follows:

2 20 46.14 NOMINATION.

2 21 1. Each judicial nominating commission shall carefully
2 22 consider the individuals available for judge, and within sixty
2 23 days after receiving notice of a vacancy shall certify to the
2 24 governor and the chief justice the proper number of nominees,
2 25 in alphabetical order. Such nominees shall be chosen by the
2 26 affirmative vote of a majority of the full statutory number of
2 27 commissioners upon the basis of their qualifications and
2 28 without regard to political affiliation. Nominees shall be
2 29 members of the bar of Iowa, shall be residents of the state or
2 30 district of the court to which they are nominated, and shall
2 31 be of such age that they will be able to serve an initial and
2 32 one regular term of office to which they are nominated before
2 33 reaching the age of seventy-two years. ~~Nominees for district~~
~~2 34 judge shall file a certified application form, to be provided~~
~~2 35 by the supreme court, with the chairperson of the district~~



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~~House File 473 — Introduced continued~~

~~3 1 judicial nominating commission. Absence of a commissioner or
3 2 vacancy upon the commission shall not invalidate a nomination.
3 3 The chairperson of the commission shall promptly certify the
3 4 names of the nominees, in alphabetical order, to the governor
3 5 and the chief justice.~~

~~3 6 2. Nominees for district judge shall file a certified
3 7 application form, to be provided by the supreme court, with
3 8 the chairperson of the district judicial nominating
3 9 commission. If a county within a judicial election district
3 10 does not have a district judge residing in the county when a
3 11 vacancy for the office of district judge occurs, the nominees
3 12 for the vacancy shall be from those counties within the
3 13 judicial election district that do not have a district judge
3 14 residing in the county. For purposes of this subsection, a
3 15 nominee is considered residing in the county if the nominee
3 16 has resided in the county for at least ten years.~~

~~3 17 2- 3. A commissioner shall not be eligible for nomination
3 18 by the commission during the term for which the commissioner
3 19 was elected or appointed to that commission. A commissioner
3 20 shall not be eligible to vote for the nomination of a family
3 21 member, current law partner, or current business partner. For
3 22 purposes of this subsection, "family member" means a spouse,
3 23 son, daughter, brother, sister, uncle, aunt, first cousin,
3 24 nephew, niece, father-in-law, mother-in-law, son-in-law,
3 25 daughter-in-law, brother-in-law, sister-in-law, father,
3 26 mother, stepfather, stepmother, stepson, stepdaughter,
3 27 stepbrother, stepsister, half brother, or half sister.~~

~~3 28 EXPLANATION~~

~~3 29 This bill relates to the appointment or election of
3 30 district judicial nominating commissioners and the appointment
3 31 of district judges.~~

~~3 32 The bill requires that each appointed commissioner of a
3 33 district judicial nominating commission be from a different
3 34 county within the judicial election district unless each
3 35 county within the judicial election district has an appointed~~



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4 1 commissioner and the number of appointed commissioners exceeds
4 2 the number of counties within the judicial election district.
4 3 The bill also requires that each elected commissioner of a
4 4 district judicial nominating commission be from a different
4 5 county within the judicial election district unless each
4 6 county within the judicial election district has an appointed
4 7 commissioner and the number of appointed commissioners exceeds
4 8 the number of counties within the judicial election district.
4 9 A district judicial nominating commission makes nominations
4 10 to the governor to fill district judge vacancies. Under the
4 11 bill and in current law, the governor appoints five
4 12 commissioners to the district judicial nominating commission
4 13 and the attorneys of the judicial election district elect five
4 14 commissioners to the district judicial nominating commission.
4 15 Under the bill and in current law, the district judge who has
4 16 served the longest in the judicial election district serves as
4 17 a chairperson of the district judicial nominating commission.
4 18 Under the bill, if a county within a judicial election
4 19 district does not have a district judge residing in the county
4 20 when a vacancy for the office of district judge occurs, the
4 21 nominees for the vacancy shall be from those counties within
4 22 the judicial election district that do not have a district
4 23 judge residing in the county. In addition, the bill requires
4 24 a person to reside in a county for at least ten years prior to
4 25 the person being eligible to be a nominee for district judge
4 26 from that county.
4 27 LSB 1582YH 82
4 28 jm:nh/es/88



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House File 474 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 138)

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

A BILL FOR

- 1 An Act relating to appealing the determination a person is a
- 2 sexually violent predator.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1100HV 82
- 5 jm/gg/14



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House File 474 - Introduced continued

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1 1 Section 1. Section 229A.7, subsections 5 and 6, Code 2007,
1 2 are amended to read as follows:

1 3 5. At trial, the court or jury shall determine whether,
1 4 beyond a reasonable doubt, the respondent is a sexually
1 5 violent predator. If the case is before a jury, the verdict
1 6 shall be unanimous that the respondent is a sexually violent
1 7 predator.

1 8 5A. If the court or jury determines that the respondent is
1 9 a sexually violent predator, the respondent shall be committed
1 10 to the custody of the director of the department of human
1 11 services for control, care, and treatment until such time as
1 12 the person's mental abnormality has so changed that the person
1 13 is safe to be placed in a transitional release program or
1 14 discharged. ~~The determination may be appealed.~~

1 15 6. If the court or jury determines that the respondent is
1 16 a sexually violent predator, the court shall order the
1 17 respondent to submit a DNA sample for DNA profiling pursuant
1 18 to section 81.4.

1 19 6A. The determination as to whether the respondent is or
1 20 is not a sexually violent predator may be appealed by the
1 21 respondent or the state.

1 22 EXPLANATION

1 23 This bill relates to the civil commitment of a sexually
1 24 violent predator.

1 25 The bill provides that when a jury or court determines a
1 26 person is or is not a sexually violent predator, the person
1 27 determined to be a sexually violent predator or the state may
1 28 appeal.

1 29 LSB 1100HV 82

1 30 jm:rj/gg/14



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House File 475 - Introduced

HOUSE FILE

BY STAED, DANDEKAR, T. TAYLOR,
ABDUL-SAMAD, GAYMAN, T. OLSON,
FORD, THOMAS, KELLEY, D. OLSON,
HUNTER, and D. TAYLOR

(COMPANION TO SF 197 BY HOGG)

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

A BILL FOR

- 1 An Act providing for the establishment of a math and science
- 2 education improvement grant program, and providing
- 3 appropriations.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2088YH 82
- 6 ak/je/5



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House File 475 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 256.36A MATH AND SCIENCE
1 2 EDUCATION IMPROVEMENT GRANT PROGRAM == APPROPRIATIONS.
1 3 1. a. The department shall establish a math and science
1 4 education improvement grant program to provide grants to area
1 5 education agencies, community colleges, and school districts
1 6 to provide regional or cooperative programs for the following
1 7 purposes:
1 8 (1) Teacher training and professional development.
1 9 (2) Supplemental math, science, engineering, and other
1 10 technology-oriented educational opportunities for students,
1 11 including opportunities for low-income, female, and minority
1 12 students.
1 13 (3) Internships and workplace learning opportunities.
1 14 (4) Expansion and alignment of curriculum.
1 15 b. Participation of Iowa businesses or business
1 16 organizations is required in order to receive grant funds.
1 17 c. Not more than two percent of the grant amount awarded
1 18 shall be spent for administrative costs.
1 19 d. The department, in consultation with business
1 20 organizations, shall award grants and require regular reports
1 21 from recipients regarding uses of grants and progress of
1 22 projects.
1 23 2. a. There is appropriated from the general fund of the
1 24 state to the department of education for the following budget
1 25 years the following amounts to be awarded as grants pursuant
1 26 to the program:
1 27 (1) Five hundred thousand dollars in the budget year
1 28 beginning July 1, 2007.
1 29 (2) One million dollars in the budget year beginning July
1 30 1, 2008.
1 31 (3) One million five hundred thousand dollars in the
1 32 budget year beginning July 1, 2009, and each subsequent budget
1 33 year through the budget year beginning July 1, 2016.
1 34 b. (1) Math and science education improvement grants
1 35 shall be awarded on an annual basis. However, grant awards



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2 1 shall be limited based on previous grant amounts awarded in a
2 2 region, so that no more than five hundred thousand dollars in
2 3 grants is received in one region in any one year. For the
2 4 purposes of this section, "region" means an area education
2 5 agency region as determined by the boundaries in effect as of
2 6 January 1, 2007.

2 7 (2) A math and science education improvement grant may be
2 8 awarded for a project lasting up to three years.

2 9 EXPLANATION

2 10 This bill establishes a grant program in the department of
2 11 education to promote math and science education improvements.
2 12 The bill states that the grants will be allocated to area
2 13 education agencies, community colleges, and school districts
2 14 to provide regional and cooperative programs for these
2 15 purposes: teacher training and professional development;
2 16 supplemental math, science, engineering, and other
2 17 technology-oriented educational opportunities for students,
2 18 including low-income, female, and minority students;
2 19 internships and workplace learning opportunities; and
2 20 expansion and alignment of curriculum.

2 21 The bill requires that Iowa businesses or organizations be
2 22 involved with the programs being funded by the grants. The
2 23 bill also requires that not more than 2 percent of grant funds
2 24 be spent on administrative costs.

2 25 The bill requires that the department of education, in
2 26 consultation with business organizations, award the grants and
2 27 monitor the recipients, including requiring the recipients to
2 28 report on the uses of the grant funds and the progress of the
2 29 projects.

2 30 The bill sets out the amount of funds available for grants
2 31 from the budget year beginning July 1, 2007, through the
2 32 budget year beginning July 1, 2016. In the budget year
2 33 beginning July 1, 2007, \$500,000 is available in grant funds.
2 34 In the budget year beginning July 1, 2008, \$1 million is
2 35 available in grant funds. In the budget year beginning July



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3 1 1, 2009, through the budget year beginning July 1, 2016,
3 2 \$1,500,000 is available in grant funds.
3 3 The bill specifies that grants shall be awarded annually.
3 4 However, a total of not more than \$500,000 in grant awards
3 5 shall be awarded to any one region in any one year. "Region"
3 6 means an area education agency region, as determined by
3 7 boundaries as of January 1, 2007. A grant may be awarded for
3 8 a project lasting up to three years.
3 9 LSB 2088YH 82
3 10 ak:nh/je/5.2



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House File 476 - Introduced

HOUSE FILE
BY RANTS

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the transportation of passengers in an open
- 2 truck bed and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1199YH 82
- 5 dea/je/5



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House File 476 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.447 PASSENGERS IN OPEN TRUCK
1 2 BED.

1 3 1. Except as otherwise provided in this section, a person
1 4 shall not operate a motor vehicle on a highway while
1 5 transporting a passenger in an unenclosed area of the vehicle
1 6 not intended for passenger seating, including but not limited
1 7 to the open bed of a motor truck.

1 8 2. Except as otherwise provided in this section, a person
1 9 shall not ride in an unenclosed area of a motor vehicle not
1 10 intended for passenger seating, including but not limited to
1 11 the open bed of a motor truck, while the vehicle is being
1 12 operated on a highway.

1 13 3. Subsections 1 and 2 do not apply if the owner of the
1 14 motor vehicle is a person engaged in farming or ranching and
1 15 the vehicle is being operated within the boundaries of land
1 16 that is owned or managed by the owner of the vehicle as a farm
1 17 or ranch, including the incidental operation of the vehicle on
1 18 a highway for the purpose of traveling not more than one mile
1 19 from one part of the farm or ranch to another part of that
1 20 farm or ranch.

1 21 4. Subsections 1 and 2 do not apply if the motor vehicle
1 22 is being operated in a parade that is supervised by a public
1 23 law enforcement agency and the speed of the vehicle does not
1 24 exceed eight miles per hour.

1 25 5. The operator and passengers in a motor vehicle may each
1 26 be charged separately for a violation of this section. A
1 27 violation of this section is a simple misdemeanor punishable
1 28 as a scheduled violation under section 805.8A, subsection 14,
1 29 paragraph "j".

1 30 Sec. 2. Section 805.8A, subsection 14, Code 2007, is
1 31 amended by adding the following new paragraph:

1 32 NEW PARAGRAPH. j. PASSENGER SEATING VIOLATIONS. For a
1 33 violation under section 321.447, subsection 1 or 2, the
1 34 scheduled fine is twenty-five dollars.

1 35 EXPLANATION



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2 1 This bill prohibits the operator of a motor vehicle from
2 2 transporting passengers in an unenclosed area of the vehicle
2 3 not intended for passenger seating, such as an open truck bed.
2 4 The bill also prohibits persons from riding in such an area of
2 5 a motor vehicle. The bill makes an exception for a motor
2 6 vehicle owned by a farmer or rancher when the vehicle is being
2 7 driven on land owned or managed by the farmer or rancher or
2 8 traveling on the highway between one part of the farm or ranch
2 9 to another part of the farm or ranch for a distance of one
2 10 mile or less. Another exception is allowed for a motor
2 11 vehicle being operated at a speed of not more than eight miles
2 12 per hour in a parade that is supervised by law enforcement.
2 13 The penalty for a violation of the bill's provisions is a
2 14 simple misdemeanor, punishable by a scheduled fine of \$25.
2 15 Both the driver and passengers may each be charged with a
2 16 separate violation.
2 17 LSB 1199YH 82
2 18 dea:nh/je/5



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House File 477 - Introduced

HOUSE FILE
BY BUKTA

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the name and the membership of the Mississippi
- 2 river parkway commission.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2252HH 82
- 5 dea/es/88



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1 1 Section 1. Section 308.1, Code 2007, is amended to read as
 1 2 follows:
 1 3 308.1 ~~PLANNING~~ MISSISSIPPI RIVER PARKWAY COMMISSION.
 1 4 The Mississippi river parkway ~~planning~~ commission shall be
 1 5 composed of ten members appointed by the governor, five
 1 6 members to be appointed for two-year terms beginning July 1,
 1 7 1959, and five members to be appointed for four-year terms
 1 8 beginning July 1, 1959. The ten members shall include one
 1 9 member representing each county bordering the Mississippi
 1 10 river. In addition to the above members there shall be ~~seven~~
 1 11 five advisory ex officio members who shall be as follows: One
 1 12 member from the state department of transportation ~~commission~~,
 1 13 one member from the department of natural resources ~~commission~~,
 1 14 ~~one member from the state soil conservation committee~~
 1 15 resources, one member from the ~~state historical society of~~
 1 16 ~~Iowa~~, one member from the ~~faculty of the landscape~~
 1 17 ~~architectural division of the Iowa state university of science~~
 1 18 ~~and technology~~, department of cultural affairs, one member
 1 19 from the ~~Iowa~~ department of economic development ~~board~~, and
 1 20 one member from the ~~environmental protection commission~~ United
 1 21 States army corps of engineers. Members and ex officio
 1 22 members shall serve without pay, but the actual and necessary
 1 23 expenses of members and ex officio members may be paid if the
 1 24 commission so orders and if the commission has funds available
 1 25 for that purpose.

EXPLANATION

1 26 This bill changes the name of the Mississippi parkway
 1 27 planning commission to the Mississippi river parkway
 1 28 commission, corresponding to the name of the 10-state umbrella
 1 29 organization. The bill also specifies that the 10 members
 1 30 appointed by the governor to serve on the Iowa commission
 1 31 shall include one member from each of the 10 counties
 1 32 bordering the river. The bill reduces the number of advisory
 1 33 ex officio members from seven to five, including one member
 1 34 from each of the following: the state department of
 1 35



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2 1 transportation, the department of natural resources, the
2 2 department of cultural affairs, the department of economic
2 3 development, and the United States army corps of engineers.
2 4 LSB 2252HH 82
2 5 dea:nh/es/88



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House File 478 - Introduced

HOUSE FILE
BY RANTS

(COMPANION TO SF 13 BY WARNSTADT)

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

A BILL FOR

- 1 An Act allowing certain cities to appoint additional civil
- 2 service commissioners.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1589YH 82
- 5 eg/sh/8



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House File 478 - Introduced continued

PAG LIN

1 1 Section 1. Section 400.1, Code 2007, is amended to read as
1 2 follows:

1 3 400.1 APPOINTMENT OF COMMISSION.

1 4 In cities having a population of eight thousand or over and
1 5 having a paid fire department or a paid police department, the
1 6 mayor, one year after a regular city election, with the
1 7 approval of the council, shall appoint three civil service
1 8 commissioners who shall hold office, one until the first
1 9 Monday in April of the second year, one until the first Monday
1 10 in April of the third year, and one until the first Monday in
1 11 April of the fourth year after such appointment, whose
1 12 successors shall be appointed for a term of four years. In
1 13 cities having a population of more than ~~one hundred~~ seventy
1 14 thousand, the city council may establish, by ordinance, the
1 15 number of civil service commissioners at not less than three.

1 16 For the purpose of determining the population of a city
1 17 under this chapter, the federal census conducted in 1980 shall
1 18 be used.

1 19 EXPLANATION

1 20 Currently, only those cities having a population of more
1 21 than 100,000 can appoint more than three civil service
1 22 commissioners; cities of lesser population can only appoint
1 23 three commissioners. This bill gives cities having a
1 24 population of more than 70,000 the option to appoint three or
1 25 more civil service commissioners.

1 26 LSB 1589YH 82

1 27 eg:sc/sh/8



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House File 479 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

1 An Act relating to postnatal tissue and fluid banking, including
2 the utilization of postnatal tissue and fluid in research and
3 medical treatment.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1784YH 82
6 pf/gg/14



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1 1 Section 1. NEW SECTION. 135N.1 POSTNATAL TISSUE AND
1 2 FLUID BANKING == RESEARCH AND MEDICAL TREATMENT.
1 3 1. For the purposes of this section, "postnatal tissue and
1 4 fluid" means the placenta, umbilical cord, umbilical cord
1 5 blood, and amniotic fluid expelled or extracted in connection
1 6 with the birth of a child.
1 7 2. The department of public health shall establish a
1 8 postnatal tissue and fluid banking network in cooperation with
1 9 one or more public or private colleges or universities, public
1 10 or private hospitals, nonprofit organizations, or private
1 11 organizations in this state for the purpose of collecting and
1 12 storing postnatal tissue and fluid donated by women who have
1 13 given birth in this state. The postnatal tissue and fluid
1 14 donated may be used for scientific research and medical
1 15 treatment in accordance with rules adopted by the department.
1 16 3. The department shall develop a program to educate
1 17 pregnant women about the banking of postnatal tissue and
1 18 fluid. The program shall provide pregnant women with
1 19 sufficient information to make an informed decision regarding
1 20 participation in a public or private postnatal tissue and
1 21 fluid banking program. The information shall be provided
1 22 electronically via the department's internet website and in
1 23 hard copy form. The department shall provide the information
1 24 in hard copy form to any physician or hospital licensed in
1 25 this state, upon request. The information provided shall
1 26 include but is not limited to all of the following:
1 27 a. The current and potential future medical uses of stored
1 28 postnatal tissue and fluid.
1 29 b. The benefits and risks involved in banking of postnatal
1 30 tissue and fluid.
1 31 c. The medical process involved in the collection and
1 32 storage of postnatal tissue and fluid.
1 33 d. Medical and family history criteria that may impact a
1 34 decision regarding postnatal tissue and fluid banking.
1 35 e. An explanation of the differences between public and



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2 1 private postnatal tissue and fluid banking.
2 2 f. The availability and costs of storing postnatal tissue
2 3 and fluid in public and private postnatal tissue and fluid
2 4 banks.
2 5 4. The department shall educate physicians and public and
2 6 private hospitals licensed in this state regarding the
2 7 donation of postnatal tissue and fluid.
2 8 5. A physician or hospital licensed in this state shall
2 9 each inform a pregnant woman under the physician's or
2 10 hospital's care, no later than the beginning of the third
2 11 trimester of the woman's pregnancy, of the opportunity to
2 12 donate postnatal tissue and fluid and shall provide the
2 13 pregnant woman with access to the information developed by the
2 14 department pursuant to subsection 2.
2 15 6. The department shall adopt rules to ensure:
2 16 a. Compliance by any postnatal tissue and fluid bank in
2 17 this state with all relevant national practices and quality
2 18 standards.
2 19 b. Compliance of any scientific research or medical
2 20 treatment performed utilizing postnatal tissue and fluid in
2 21 this state with relevant national practices and quality
2 22 standards.
2 23 7. This section shall not be interpreted to require a
2 24 physician or hospital to collect postnatal tissue and fluid
2 25 if, in the professional judgment of the physician or hospital,
2 26 the collection would threaten the health of the affected woman
2 27 or child.

2 28 EXPLANATION

2 29 This bill relates to postnatal tissue and fluid banking.
2 30 The bill defines "postnatal tissue and fluid" as the placenta,
2 31 umbilical cord, umbilical cord blood, and amniotic fluid
2 32 expelled or extracted in connection with the birth of a child.
2 33 The bill directs the department of public health to establish
2 34 a postnatal tissue and fluid banking network in cooperation
2 35 with one or more public or private colleges or universities,



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3 1 public or private hospitals, nonprofit organizations, or
3 2 private organizations in the state for the purpose of
3 3 collecting and storing postnatal tissue and fluid donated by
3 4 women who have given birth in this state. The bill provides
3 5 that the postnatal tissue and fluid donated may be used for
3 6 scientific research and medical treatment in accordance with
3 7 rules adopted by the department. The bill also directs the
3 8 department to develop a program to educate pregnant women
3 9 about the banking of postnatal tissue and fluid, and specifies
3 10 the type of information to be provided. The bill directs the
3 11 department to also educate physicians and public and private
3 12 hospitals licensed in the state regarding the donation of
3 13 postnatal tissue and fluid. Under the bill, each physician
3 14 and each hospital licensed in the state is required to inform
3 15 each pregnant woman under the physician's or hospital's care,
3 16 no later than the beginning of the third trimester of the
3 17 woman's pregnancy, of the opportunity to donate postnatal
3 18 tissue and fluid and is also required to provide the pregnant
3 19 woman with access to the information developed by the
3 20 department. The bill requires the department to adopt rules
3 21 to ensure compliance of any postnatal tissue and fluid bank in
3 22 the state with all relevant national practices and quality
3 23 standards and to ensure that any research or medical treatment
3 24 utilizing donated postnatal tissue and fluid complies with
3 25 relevant national practices and quality standards. The bill
3 26 also provides that the provisions of the bill do not require a
3 27 physician or hospital to collect postnatal tissue and fluid
3 28 if, in the professional judgment of the physician or hospital,
3 29 the collection would threaten the health of the affected woman
3 30 or child.
3 31 LSB 1784YH 82
3 32 pf:rj/gg/14



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House File 480 - Introduced

HOUSE FILE
BY SWAIM

(COMPANION TO LSB 2149SS BY
LUNDBY)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to children who are subject to a court order for
- 2 a temporary or permanent out-of-home placement by providing
- 3 for visitation or ongoing interaction between the children and
- 4 siblings.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLBS 2149HH 82
- 7 jp/es/88



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House File 480 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.2, subsection 4, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. 1. The provisions involving sibling
1 4 visitation or interaction required under section 232.108.
1 5 Sec. 2. Section 232.2, Code 2007, is amended by adding the
1 6 following new subsection:
1 7 NEW SUBSECTION. 51A. "Sibling" means an individual who is
1 8 related to another individual by blood, adoption, or affinity
1 9 through a common legal or biological parent.
1 10 Sec. 3. Section 232.58, Code 2007, is amended by adding
1 11 the following new subsection:
1 12 NEW SUBSECTION. 5A. With respect to a dispositional order
1 13 made pursuant to section 232.52, subsection 2, paragraph "d",
1 14 "e", or "f", for which the court has suspended or terminated
1 15 sibling visitation or interaction, when a review is made under
1 16 this section the court shall consider whether the visitation
1 17 or interaction can be safely resumed and may modify the
1 18 suspension or termination as appropriate.
1 19 Sec. 4. Section 232.104, Code 2007, is amended by adding
1 20 the following new subsection:
1 21 NEW SUBSECTION. 4A. With respect to a dispositional order
1 22 providing for transfer of custody of a child and siblings to
1 23 the department or other agency for placement for which the
1 24 court has suspended or terminated sibling visitation or
1 25 interaction, when a review is made under this section the
1 26 court shall consider whether the visitation or interaction can
1 27 be safely resumed and may modify the suspension or termination
1 28 as appropriate.
1 29 Sec. 5. NEW SECTION. 232.108 VISITATION OR ONGOING
1 30 INTERACTION WITH SIBLINGS.
1 31 1. If the court orders the transfer of custody of a child
1 32 and siblings to the department or other agency for placement
1 33 under this division, under division II, relating to juvenile
1 34 delinquency proceedings, or under any other provision of this
1 35 chapter, the department or other agency shall make a



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2 1 reasonable effort to place the child and siblings together in
2 2 the same placement. The requirement of this subsection
2 3 remains applicable to custody transfer orders made at separate
2 4 times and applies in addition to efforts made by the
2 5 department or agency to place the child with a relative.

2 6 2. If the requirements of subsection 1 apply but the
2 7 siblings are not placed in the same placement together, the
2 8 department or other agency shall provide the siblings with the
2 9 reasons why and the efforts being made to facilitate such
2 10 placement, or why making efforts for such placement is not
2 11 appropriate. Unless visitation or ongoing interaction with
2 12 siblings is suspended or terminated by the court, the
2 13 department or agency shall make reasonable effort to provide
2 14 for frequent visitation or other ongoing interaction between
2 15 the child and the child's siblings from the time of the
2 16 child's out-of-home placement until the child returns home or
2 17 is in a permanent placement.

2 18 3. A person who wishes to assert a sibling relationship
2 19 with a child who is subject to an order under this chapter for
2 20 an out-of-home placement and to request frequent visitation or
2 21 other ongoing interaction with the child may file a petition
2 22 with the court with jurisdiction over the child. Unless the
2 23 court determines it would not be in the child's best interest,
2 24 upon finding that the person is a sibling of the child, the
2 25 provisions of this section providing for frequent visitation
2 26 or other ongoing interaction between the siblings shall apply.

2 27 4. If the court determines by clear and convincing
2 28 evidence that visitation or other ongoing interaction between
2 29 a child and the child's siblings would be detrimental to the
2 30 well-being of the child or a sibling, the court shall order
2 31 the visitation or interaction to be suspended or terminated.
2 32 The reasons for the determination shall be noted in the court
2 33 order suspending or terminating the visitation or interaction
2 34 and shall be explained to the child and the child's siblings,
2 35 and to the parent, guardian, or custodian of the child.



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3 1 5. The case permanency plan of a child who is subject to
3 2 this section shall comply with all of the following, as
3 3 applicable:

3 4 a. The plan shall document the efforts being made to
3 5 provide for the child's frequent visitation or other ongoing
3 6 interaction with the child's siblings from the time of the
3 7 child's out-of-home placement until the child returns home or
3 8 is in a permanent placement. The child's parent, guardian, or
3 9 custodian may comment on the efforts as documented in the case
3 10 permanency plan.

3 11 b. If at any point the court determines that the child's
3 12 visitation or interaction with siblings would be detrimental
3 13 to the child's well-being and visitation or interaction with
3 14 siblings is suspended or terminated by the court, the
3 15 determination shall be noted in the case permanency plan. If
3 16 the court lifts the suspension or termination, the case
3 17 permanency plan shall be revised to document the efforts to
3 18 provide for visitation or interaction as required under
3 19 paragraph "a".

3 20 c. If one or more of the child's siblings are also subject
3 21 to an order under this chapter for an out-of-home placement
3 22 and the siblings are not placed in the same placement
3 23 together, the plan shall document the reasons why and the
3 24 efforts being made to facilitate such placement, or why making
3 25 efforts for such placement is not appropriate.

3 26 6. If an order is entered for termination of parental
3 27 rights of a child who is subject to this section, unless the
3 28 court has suspended or terminated sibling visitation or
3 29 interaction in accordance with this section, the department or
3 30 child-placing agency shall do all of the following to
3 31 facilitate frequent visitation or ongoing interaction between
3 32 the child and siblings when the child is adopted or enters a
3 33 permanent placement:

3 34 a. Include in the training provided to prospective
3 35 adoptive parents information regarding the importance of



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4 1 sibling relationships to an adopted child and counseling
4 2 methods for maintaining sibling relationships.
4 3 b. Provide prospective adoptive parents with information
4 4 regarding the child's siblings. The address of a sibling's
4 5 residence shall not be disclosed in the information unless
4 6 authorized by court order for good cause shown.
4 7 c. Encourage prospective adoptive parents to plan for
4 8 facilitating postadoption contact between the child and the
4 9 child's siblings.
4 10 7. Any information regarding court-ordered or authorized
4 11 sibling visitation, interaction, or contact shall be provided
4 12 to the foster parent, relative caretaker, guardian,
4 13 prospective adoptive parent, and child as soon as reasonably
4 14 possible following the entry of the court order or
4 15 authorization as necessary to facilitate the visitation or
4 16 interaction.

4 17 Sec. 6. Section 238.18, Code 2007, is amended to read as
4 18 follows:

4 19 238.18 DUTY OF LICENSEE.

4 20 ~~The licensee~~ A child-placing agency licensed under this
4 21 chapter shall keep a record and make reports in the form to be
4 22 prescribed by said the administrator. For a child being
4 23 placed by the agency, the agency's duties shall include
4 24 compliance with the requirements of section 232.108 relating
4 25 to visitation or ongoing interaction between the child and the
4 26 child's siblings.

4 27 EXPLANATION

4 28 This bill relates to children who are subject to a court
4 29 order under Code chapter 232 for a temporary or permanent
4 30 out-of-home placement by providing for visitation or ongoing
4 31 interaction between the children and siblings.

4 32 The term "sibling" is defined by the bill in Code section
4 33 232.2 to mean an individual who is related to another
4 34 individual by blood, adoption, or affinity through a common
4 35 legal or biological parent.



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5 1 New Code section 232.108 outlines requirements for sibling
5 2 visitation or other ongoing involvement for any child subject
5 3 to an order under Code chapter 232 for an out-of-home
5 4 placement. The requirements apply to the department of human
5 5 services and other agencies to which custody is transferred
5 6 for placement of a child, to the court, and to child-placing
5 7 agencies when parental rights over a child are terminated.
5 8 When siblings are subject to out-of-home placement orders,
5 9 regardless of when the orders are made, the department or
5 10 other agency must make a reasonable effort to place the
5 11 siblings in the same placement together. If such placement is
5 12 not possible, the reasons why must be provided to the child
5 13 and siblings and effort made to facilitate frequent visitation
5 14 or other ongoing interaction. However, if the court
5 15 determines that the visitation or contact would be detrimental
5 16 to the child's well-being, the court may suspend or terminate
5 17 the visitation or contact.

5 18 New Code section 232.108 also authorizes an individual who
5 19 wishes to assert a sibling relationship with a child to
5 20 petition the court with jurisdiction over the child for a
5 21 hearing and to request frequent visitation or other ongoing
5 22 interaction with the child. Upon finding the individual to be
5 23 a sibling of the child, unless the court determines that the
5 24 visitation or contact would be detrimental to the child, the
5 25 individual is required to be included in the visitation or
5 26 interaction effort.

5 27 New Code section 232.108 also requires sibling placement,
5 28 visitation, and contact efforts and orders to be reflected in
5 29 the case permanency plan, and the Code section 232.2
5 30 provisions for such plans are amended to reference these
5 31 requirements.

5 32 Under new Code section 232.108, if the parental rights over
5 33 a child are terminated, the department or a child-placing
5 34 agency working on the child's adoption or other permanent
5 35 placement are required to take steps to help preserve the



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6 1 child's sibling relationships. The steps include providing
6 2 training and information to prospective adoptive parents and
6 3 encouraging planning. The duties of a licensed child-placing
6 4 agency under Code section 238.18 are amended to include the
6 5 bill's requirements involving siblings.
6 6 Code sections 232.58 and 232.104, relating to permanency
6 7 hearings held for children found to be delinquent or to be a
6 8 child in need of assistance, are amended to provide that when
6 9 the court has suspended or terminated sibling visitation or
6 10 interaction, the court is required to review its determination
6 11 when permanency hearings are held and may modify the
6 12 suspension or revocation, as appropriate.
6 13 LSB 2149HH 82
6 14 jp:nh/es/88.1



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House File 481 - Introduced

HOUSE FILE
BY RANTS

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

A BILL FOR

- 1 An Act relating to gross weight limitations for vehicles
- 2 transporting ocean shipping containers on noninterstate
- 3 highways.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1198YH 82
- 6 dea/gg/14



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House File 481 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.463, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 9A. a. The maximum gross weight of a
1 4 vehicle or combination of vehicles involved in intermodal
1 5 transportation and transporting no more than two ocean
1 6 shipping containers on a noninterstate highway may exceed the
1 7 weight limitations in this section, subject to the following
1 8 conditions:
1 9 (1) The total weight of the loaded container or containers
1 10 does not exceed fifty thousand pounds.
1 11 (2) The gross weight on any one axle or group of axles
1 12 does not exceed the gross weight allowable under this section.
1 13 b. For purposes of this subsection, "container" has the
1 14 same meaning given the term "freight container" by the
1 15 international standards organization in Series 1, Freight
1 16 Containers, 3rd edition (ISO 668=1979), and "ocean shipping
1 17 container" means a container intended for transport by ocean
1 18 common carrier, as defined in 46 App. U.S.C. } 1702.
1 19 EXPLANATION
1 20 This bill provides an exemption from gross weight
1 21 limitations for a vehicle or combination of vehicles
1 22 transporting not more than two ocean shipping containers on
1 23 noninterstate highways. The exception applies provided that
1 24 the combined loaded weight of the containers does not exceed
1 25 50,000 pounds and the gross weight limitations for any one
1 26 axle or group of axles are not violated.
1 27 LSB 1198YH 82
1 28 dea:nh/gg/14



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House File 482 - Introduced

HOUSE FILE
BY MAY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to requests for approval for early school start
- 2 dates and year around schools.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1363YH 82
- 5 kh/je/5



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House File 482 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.17, Code 2007, is amended to read
1 2 as follows:
1 3 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.
1 4 State aid payments made pursuant to section 257.16 for a
1 5 fiscal year shall be reduced by one one-hundred-eightieth for
1 6 each day of that fiscal year for which the school district
1 7 begins school before the earliest starting date specified in
1 8 section 279.10, subsection 1. ~~However, this section does not~~
~~1 9 apply to a school district that has received approval from the~~
~~1 10 director of the department of education under section 279.10,~~
~~1 11 subsection 4, to commence classes for regularly established~~
~~1 12 elementary and secondary schools in advance of the starting~~
~~1 13 date established in section 279.10, subsection 1.~~
1 14 Sec. 2. Section 279.10, subsection 2, Code 2007, is
1 15 amended to read as follows:
1 16 2. The board of directors shall hold a public hearing on
1 17 any proposal for a pilot program pursuant to subsection 3
1 18 prior to submitting it a request to the department of
1 19 education for approval.
1 20 Sec. 3. Section 279.10, subsection 4, Code 2007, is
1 21 amended by striking the subsection.
1 22 EXPLANATION
1 23 This bill eliminates the department of education's
1 24 authority to waive the earliest school start date requirement
1 25 for school districts. The bill makes a conforming change to
1 26 section 257.17.
1 27 Currently, the school year can begin no sooner than a day
1 28 during the calendar week in which the first day of September
1 29 falls, or, if the first day of September falls on a Sunday, on
1 30 a day during the calendar week which immediately precedes the
1 31 first day of September. School districts currently are
1 32 granted waivers authorizing an earlier start date if the
1 33 director of the department of education determines that a
1 34 starting date on or after the earliest starting date would
1 35 have a significant negative educational impact.



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2 1 The bill includes a technical correction.
2 2 LSB 1363YH 82
2 3 kh:nh/je/5.2



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House File 483 - Introduced

HOUSE FILE
BY JACOBY

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

A BILL FOR

- 1 An Act relating to the criminal offense of interference with
- 2 official acts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2568HH 82
- 5 jm/gg/14



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House File 483 - Introduced continued

PAG LIN

1 1 Section 1. Section 719.1, subsections 1 and 2, Code 2007,
1 2 are amended to read as follows:

1 3 1. A person who knowingly resists or obstructs anyone
1 4 known by the person to be a peace officer, emergency medical
1 5 care provider under chapter 147A, or fire fighter, whether
1 6 paid or volunteer, in the performance of any act which is
1 7 within the scope of the lawful duty or authority of that
1 8 officer, emergency medical care provider under chapter 147A,
1 9 or fire fighter, whether paid or volunteer, or who knowingly
1 10 resists or obstructs the service or execution by any
1 11 authorized person of any civil or criminal process or order of
1 12 any court, commits a simple misdemeanor. In addition to any
1 13 other penalties, the punishment imposed for a violation of
1 14 this subsection shall include assessment of a fine of not less
1 15 than two hundred fifty dollars. However, if a person commits
1 16 an interference with official acts, as defined in this
1 17 subsection, ~~and in so doing inflicts~~ which results in bodily
1 18 injury other than serious injury, that person commits an
1 19 aggravated misdemeanor. If a person commits an interference
1 20 with official acts, as defined in this subsection, and ~~in so~~
~~1 21 doing inflicts~~ the interference results in serious injury or
1 22 the person or attempts to inflict serious injury, or displays
1 23 a dangerous weapon, as defined in section 702.7, or is armed
1 24 with a firearm, that person commits a class "D" felony.

1 25 2. A person under the custody, control, or supervision of
1 26 the department of corrections who knowingly resists,
1 27 obstructs, or interferes with a correctional officer, agent,
1 28 employee, or contractor, whether paid or volunteer, in the
1 29 performance of the person's official duties, commits a serious
1 30 misdemeanor. If a person violates this subsection and in so
1 31 doing commits an assault, as defined in section 708.1, the
1 32 person commits an aggravated misdemeanor. If a person
1 33 violates this subsection and ~~in so doing inflicts~~ the
1 34 violation results in bodily injury or the person attempts to
1 35 inflict bodily injury other than serious injury to another,



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2 1 displays a dangerous weapon, as defined in section 702.7, or
2 2 is armed with a firearm, the person commits a class "D"
2 3 felony. If a person violates this subsection and uses or
2 4 attempts to use a dangerous weapon, as defined in section
2 5 702.7, or ~~inflicts~~ if the violation results in serious injury
2 6 to another, the person commits a class "C" felony.

2 7 EXPLANATION

2 8 This bill relates to the criminal offense of interference
2 9 with official acts.

2 10 The bill provides that a person commits the offense of
2 11 interference with official acts if the violation results in
2 12 bodily or serious injury to a peace officer, emergency medical
2 13 care provider, correctional officer, or other member of a
2 14 protected class under Code section 719.1.

2 15 Current law provides that a person commits the offense of
2 16 interference with official acts if the person inflicts or
2 17 attempts to inflict bodily or serious injury.

2 18 Under the bill, if a person commits interference with
2 19 official acts that results in bodily injury to a member of a
2 20 protected class, the person commits an aggravated misdemeanor
2 21 if the injury is to a peace officer or emergency medical
2 22 officer, or a class "D" felony if the injury is to a
2 23 correctional officer.

2 24 If a person commits interference with official acts that
2 25 results in serious injury, the person commits a class "D"
2 26 felony if the injury is to a peace officer or emergency
2 27 medical officer, or a class "C" felony if the injury is to a
2 28 correctional officer.

2 29 LSB 2568HH 82

2 30 jm:nh/gg/14



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House File 484 - Introduced

HOUSE FILE
BY LUKAN, BAUDLER, RAYHONS,
CHAMBERS, MAY, and
HOFFMAN

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

A BILL FOR

- 1 An Act prohibiting remote control or internet hunting of wild
- 2 animals and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2421YH 82
- 5 av/gg/14



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House File 484 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 481A.125A REMOTE CONTROL OR
1 2 INTERNET HUNTING == CRIMINAL AND CIVIL PENALTIES.
1 3 1. As used in this section, "remote control or internet
1 4 hunting" means use of a computer or other electronic device,
1 5 equipment, or software to remotely control the aiming or
1 6 discharge of a firearm or other weapon, allowing a person who
1 7 is not physically present to take a wild animal.
1 8 2. A person shall not offer for sale, take, or assist in
1 9 the taking of a wild animal by remote control or internet
1 10 hunting.
1 11 3. A person who violates this section is guilty of a
1 12 serious misdemeanor. A second or subsequent violation of this
1 13 section is punishable as a class "D" felony.
1 14 4. In addition, any person who violates this section is
1 15 subject to a civil penalty, which may be levied by the
1 16 department, of not more than ten thousand dollars for each
1 17 violation of this section. The moneys collected from
1 18 imposition of a civil penalty shall be deposited in the state
1 19 fish and game protection fund.
1 20 EXPLANATION
1 21 This bill prohibits offering for sale, taking, or assisting
1 22 in taking a wild animal by use of remote control or internet
1 23 hunting. For the purposes of the bill, "remote control or
1 24 internet hunting" means use of a computer or other electronic
1 25 device, equipment, or software to remotely control the aiming
1 26 or discharge of a firearm or other weapon, allowing a person
1 27 who is not physically present to take a wild animal.
1 28 A person who violates the provisions of the bill is guilty
1 29 of a serious misdemeanor. A serious misdemeanor is punishable
1 30 by confinement for no more than one year and a fine of at
1 31 least \$315 but not more than \$1,875.
1 32 A second or subsequent violation of the bill is punishable
1 33 as a class "D" felony. A class "D" felony is punishable by
1 34 confinement for no more than five years and a fine of at least
1 35 \$750 but not more than \$7,500.



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House File 484 - Introduced continued

2 1 In addition, any person who violates the provisions of the
2 2 bill is subject to a civil penalty, which may be levied by the
2 3 department of natural resources, of not more than \$10,000 for
2 4 each violation. Moneys collected from imposition of a civil
2 5 penalty shall be deposited in the state fish and game
2 6 protection fund.
2 7 LSB 2421YH 82
2 8 av:nh/gg/14



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House Joint Resolution 5 - Introduced

HOUSE JOINT RESOLUTION
BY RANTS, PAULSEN, KAUFMANN,
ROBERTS, STRUYK, and UPMEYER

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

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa establishing a state general fund
3 expenditure limitation.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2548YH 82
6 sc/es/88



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House Joint Resolution 5 - Introduced continued

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1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 The Constitution of the State of Iowa is amended by adding
1 4 the following new section to new Article XIII:
1 5 ARTICLE XIII.
1 6 EXPENDITURE LIMITATION.
1 7 GENERAL FUND EXPENDITURE LIMITATION. SECTION 1.
1 8 1. For the purposes of this section:
1 9 a. "Adjusted revenue estimate" means the most recent
1 10 revenue estimate determined before January 1, or a later and
1 11 lesser revenue estimate determined before adjournment of the
1 12 regular session of the General Assembly, for the general fund
1 13 for the following fiscal year as determined by a revenue
1 14 estimating conference which shall be established by the
1 15 General Assembly by law, adjusted by subtracting estimated
1 16 refunds payable from that estimated revenue and adding any
1 17 available surplus in accordance with subsection 5.
1 18 b. "General fund" means the principal operating fund of
1 19 the state which shall be established by the General Assembly
1 20 by law.
1 21 c. "New revenues" means moneys which are received by the
1 22 state due to increased tax rates or fees or newly created
1 23 taxes or fees over and above those moneys which are received
1 24 due to state taxes or fees which are in effect as of January 1
1 25 following the most recent state revenue estimating conference.
1 26 "New revenues" also includes moneys received by the general
1 27 fund due to new transfers over and above those moneys received
1 28 by the general fund due to transfers which are in effect as of
1 29 January 1 following the most recent state revenue estimating
1 30 conference. The state revenue estimating conference shall
1 31 determine the eligibility of transfers to the general fund
1 32 which are to be considered as new revenue in determining the
1 33 state general fund expenditure limitation.
1 34 2. A state general fund expenditure limitation is created
1 35 and calculated in subsection 3, for each fiscal year beginning



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House Joint Resolution 5 - Introduced continued

2 1 on or after July 1 following the effective date of this
2 2 section.

2 3 3. Except as otherwise provided in this section, the state
2 4 general fund expenditure limitation for a fiscal year shall be
2 5 ninety-nine percent of the adjusted revenue estimate.

2 6 4. The state general fund expenditure limitation shall be
2 7 used by the Governor in the preparation of the budget and by
2 8 the General Assembly in the budget process. If a new revenue
2 9 source is proposed, the budget revenue projection used for
2 10 that new revenue source for the period beginning on the
2 11 effective date of the new revenue source and ending in the
2 12 fiscal year in which the source is included in the adjusted
2 13 revenue estimate shall be ninety-five percent of the amount
2 14 remaining after subtracting estimated refunds payable from the
2 15 projected revenue from that source. If a new revenue source
2 16 is established and implemented, the original state general
2 17 fund expenditure limitation amount provided for in subsection
2 18 3 shall be readjusted to include ninety-five percent of the
2 19 estimated revenue from that source.

2 20 5. Any surplus existing at the end of a fiscal year which
2 21 exceeds ten percent of the adjusted revenue estimate of that
2 22 fiscal year shall be included in the adjusted revenue estimate
2 23 for the following fiscal year. Any surplus equal to ten
2 24 percent or less of the adjusted revenue estimate of the fiscal
2 25 year may be included in the adjusted revenue estimate for the
2 26 following fiscal year if approved in a bill receiving the
2 27 affirmative votes of at least three-fifths of the whole
2 28 membership of each house of the General Assembly. For
2 29 purposes of this section, "surplus" means the cumulative
2 30 excess of revenues and other financing sources over
2 31 expenditures and other financing uses for the general fund at
2 32 the end of a fiscal year.

2 33 6. The scope of the expenditure limitation under
2 34 subsection 3 shall not include federal funds, donations,
2 35 constitutionally dedicated moneys, and moneys in expenditures



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House Joint Resolution 5 - Introduced continued

3 1 from a state retirement system.

3 2 7. The Governor shall submit and the General Assembly
3 3 shall pass a budget which does not exceed the state general
3 4 fund expenditure limitation.

3 5 8. The Governor shall not submit and the General Assembly
3 6 shall not pass a budget which in order to balance assumes
3 7 reversion of any part of the total of the appropriations
3 8 included in the budget.

3 9 9. The state shall use consistent standards, in accordance
3 10 with generally accepted accounting principles, for all state
3 11 budgeting and accounting purposes.

3 12 10. The General Assembly shall enact laws to implement
3 13 this section.

3 14 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
3 15 amendment to the Constitution of the State of Iowa is referred
3 16 to the General Assembly to be chosen at the next general
3 17 election for members of the General Assembly and the Secretary
3 18 of State is directed to cause it to be published for three
3 19 consecutive months previous to the date of that election as
3 20 provided by law.

3 21 EXPLANATION

3 22 This resolution proposes an amendment to the Constitution
3 23 of the State of Iowa relating to state budgets.

3 24 The amendment establishes a state general fund expenditure
3 25 limitation. The amount of the limitation is 99 percent of the
3 26 adjusted revenue estimate. The amendment defines adjusted
3 27 revenue estimate and requires that that estimate be determined
3 28 by a revenue estimating conference which is to be created by
3 29 the general assembly by law. The amendment requires that the
3 30 expenditure limitation be used by the governor in preparation
3 31 of the governor's budget and by the general assembly in the
3 32 budget process. The amendment also provides that, if a new
3 33 revenue source is established and implemented, 95 percent of
3 34 the estimate of that new revenue shall be included in the
3 35 expenditure limitation.



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House Joint Resolution 5 - Introduced continued

4 1 The amendment also requires that the amount of any surplus
4 2 which exceeds an amount equal to 10 percent of the adjusted
4 3 revenue estimate be included in the adjusted revenue estimate
4 4 for the following fiscal year. Any surplus which is equal to
4 5 10 percent or less of the amount of the adjusted revenue
4 6 estimate may be included in the following year's adjusted
4 7 revenue estimate if use of those funds is approved by a
4 8 three-fifths majority of each house of the general assembly.
4 9 The amendment also requires the State to use generally
4 10 accepted accounting principles for state budgeting and
4 11 accounting purposes. The amendment provides that the general
4 12 assembly shall enact laws to implement the amendment.
4 13 The resolution, if adopted, will be referred to the next
4 14 general assembly. If the next general assembly adopts the
4 15 resolution, the amendment will be submitted to the voters for
4 16 ratification.
4 17 LSB 2548YH 82
4 18 sc/es/88



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House Resolution 25 - Introduced

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1 1 HOUSE RESOLUTION NO.
1 2 BY RAECKER, ABDUL-SAMAD, ALONS,
1 3 ANDERSON, ARNOLD, BAILEY, BAUDLER, BELL, BERRY,
1 4 BOAL, BUKTA, CHAMBERS, CLUTE, COHOON, DANDEKAR,
1 5 DAVITT, DE BOEF, DEYOE, DOLECHECK, DRAKE, FOEGE,
1 6 FORD, FORRISTALL, FREVERT, GASKILL, GAYMAN, GIPP,
1 7 GRANZOW, GRASSLEY, GREINER, HEATON, HEDDENS,
1 8 HOFFMAN, HORBACH, HUNTER, HUSEMAN, HUSER, JACOBS,
1 9 JACOBY, JOCHUM, KAUFMANN, KELLEY, KRESSIG, KUHN,
1 10 LENSING, LUKAN, LYKAM, MASCHER, MAY, McCARTHY,
1 11 MERTZ, H. MILLER, L. MILLER, MURPHY, OLDSON,
1 12 D. OLSON, R. OLSON, S. OLSON, T. OLSON, PALMER,
1 13 PAULSEN, PETERSEN, PETTENGILL, QUIRK, RANTS,
1 14 RASMUSSEN, RAYHONS, REASONER, REICHERT, ROBERTS,
1 15 SANDS, SCHICKEL, SCHUELLER, SHOMSHOR, SMITH,
1 16 SODERBERG, STAED, STRUYK, SWAIM, D. TAYLOR,
1 17 T. TAYLOR, THOMAS, TJEPKES, TOMENGA, TYMESON,
1 18 UPMEYER, VAN ENGELENHOVEN, VAN FOSSEN, WATTS,
1 19 WENDT, WENTHE, WESSEL-KROESCHELL, WHITAKER,
1 20 WHITEAD, WIENCEK, WINCKLER, WINDSCHITL, WISE,
1 21 WORTHAN, and ZIRKELBACH
1 22 A Resolution honoring the life and accomplishments of
1 23 Gerald Rudolph Ford, thirty=eighth President of the United
1 24 States of America.
1 25 WHEREAS, Gerald Rudolph Ford was born on July 14,
1 26 1913, and grew to manhood in Grand Rapids, Michigan,
1 27 where he was a star on the state champion South High
1 28 School Trojans football team; and
1 29 WHEREAS, Mr. Ford first entered politics in 1931,
1 30 losing a race for president of his senior high school



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House Resolution 25 - Introduced continued

2 1 class on the Progressive ticket, but would not lose
2 2 another election until 45 years later; and
2 3 WHEREAS, Mr. Ford went on to win a scholarship to
2 4 the University of Michigan at Ann Arbor, where he
2 5 worked as a dishwasher to help pay for his room and
2 6 board; and
2 7 WHEREAS, Mr. Ford later attended Yale Law School
2 8 and earned an LL.B. degree in 1941; and
2 9 WHEREAS, Mr. Ford joined the United States Naval
2 10 Reserves in 1942 and served his country honorably
2 11 during World War II; and
2 12 WHEREAS, in 1948, Mr. Ford easily won his first
2 13 term in the United States House of Representatives and
2 14 never received less than 60 percent of the vote during
2 15 a quarter-century as the Representative from
2 16 Michigan's Fifth District; and
2 17 WHEREAS, Mr. Ford served with great distinction in
2 18 Congress, in particular through his service on the
2 19 Defense Appropriations Subcommittee and as a member of
2 20 the Warren Commission, which investigated the
2 21 assassination of President John F. Kennedy; and
2 22 WHEREAS, in 1965, Mr. Ford was selected as Minority
2 23 Leader of the House of Representatives, a position he
2 24 held for eight years; and
2 25 WHEREAS, in December 1973, Mr. Ford was appointed
2 26 Vice President of the United States and a scant eight
2 27 months later was sworn in as President of the United
2 28 States on August 9, 1974; and
2 29 WHEREAS, in the two-and-one-half years of his
2 30 presidency, Mr. Ford presided over the end of the



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House Resolution 25 - Introduced continued

3 1 American involvement in Vietnam, helped mediate a
3 2 cease-fire agreement between Israel and Egypt, signed
3 3 the Helsinki human rights convention with the Soviet
3 4 Union and traveled to Vladivostok in the Soviet Far
3 5 East to sign an arms limitation agreement with the
3 6 Soviet president, and sent the Marines to free the
3 7 crew of the Mayaguez, a merchant ship seized by North
3 8 Korea; and

3 9 WHEREAS, perhaps the greatest service to the
3 10 American people by President Ford was ably summed up
3 11 in the words of President George W. Bush:

3 12 "For a nation that needed healing, and for an
3 13 office that needed a calm and steady hand, Gerald Ford
3 14 came along when we needed him most. During his time
3 15 in office, the American people came to know President
3 16 Ford as a man of complete integrity who led our
3 17 country with common sense and kind instincts."; and

3 18 WHEREAS, Mr. Ford was the archetype of the best in
3 19 public life, an example of modesty, civility, and
3 20 dedication that others should seek to follow; and

3 21 WHEREAS, after a life filled with accomplishment
3 22 and dedicated public service, Gerald Rudolph Ford died
3 23 at the age of 93; NOW THEREFORE,

3 24 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
3 25 That the members of the House of Representatives note
3 26 with sorrow the passing of President Gerald Rudolph
3 27 Ford, and express their deep appreciation for
3 28 President Ford's outstanding and important service to
3 29 this nation; and

3 30 BE IT FURTHER RESOLVED, That the House of



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House Resolution 25 - Introduced continued

4 1 Representatives directs the Chief Clerk of the House
4 2 of Representatives to deliver a copy of this
4 3 resolution to the House of Representatives of the
4 4 United States Congress and to former First Lady Betty
4 5 Ford.
4 6 LSB 1732HH 82
4 7 jr:rj/je/5



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House Study Bill 217

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for county and state financial responsibility
- 2 for certain human services programs and treatment or support
- 3 services.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1240DP 82
- 6 jp/es/88



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1 1 DIVISION I
 1 2 FINANCIAL RESPONSIBILITY FOR
 1 3 CERTAIN MEDICAID SERVICES
 1 4 Section 1. Section 225C.6, subsection 1, paragraph e, Code
 1 5 2007, is amended to read as follows:
 1 6 e. Unless another governmental body sets standards for a
 1 7 service available to persons with disabilities, adopt state
 1 8 standards for that service. The commission shall provide that
 1 9 a service provider's compliance with standards for a service
 1 10 set by a nationally recognized body shall be deemed to be in
 1 11 compliance with the state standards adopted by the commission
 1 12 for that service. The commission shall adopt state standards
 1 13 for those residential and community-based providers of
 1 14 services to persons with mental illness or developmental
 1 15 disabilities that are not otherwise subject to licensure by
 1 16 the department of human services or department of inspections
 1 17 and appeals, including but not limited to remedial services
 1 18 and habilitation services payable under the ~~adult~~
~~1 19 rehabilitation option of the medical assistance program and~~
 1 20 other services payable from funds credited to a county mental
 1 21 health, mental retardation, and developmental disabilities
 1 22 services fund created in section 331.424A. In addition, the
 1 23 commission shall review the licensing standards used by the
 1 24 department of human services or department of inspections and
 1 25 appeals for those facilities providing services to persons
 1 26 with mental illness or developmental disabilities.
 1 27 Sec. 2. Section 249A.26, subsection 4, Code 2007, is
 1 28 amended to read as follows:
 1 29 4. a. The county of legal settlement shall pay for one
 1 30 hundred percent of the nonfederal share of the cost of
 1 31 services provided to adult persons with chronic mental illness
~~1 32 implemented under the adult rehabilitation option of the state~~
~~1 33 medical assistance plan who qualify for remedial services in~~
 1 34 accordance with the rules adopted for the services. The state
 1 35 shall pay for one hundred percent of the nonfederal share of



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2 1 the cost of such services provided to such persons who have no
2 2 legal settlement or the legal settlement is unknown so that
2 3 the persons are deemed to be state cases.

2 4 b. The county of legal settlement shall pay for one
2 5 hundred percent of the nonfederal share of the costs of
2 6 services provided to adult persons who qualify for
2 7 habilitation services. The state shall pay for one hundred
2 8 percent of the nonfederal share of the cost of habilitation
2 9 services provided to such persons who have no legal settlement
2 10 or the legal settlement is unknown so that the persons are
2 11 deemed to be state cases.

2 12 Sec. 3. Section 249A.31, Code 2007, is amended to read as
2 13 follows:

2 14 249A.31 COST=BASED REIMBURSEMENT ~~== MENTAL HEALTH AND~~
2 15 ~~DEVELOPMENTAL DISABILITIES PROVIDERS.~~

2 16 ~~All of the following shall receive cost-based reimbursement~~
2 17 ~~for one hundred percent of the reasonable costs for the~~
2 18 ~~provision of services to recipients of medical assistance:~~

2 19 ~~1. Providers of individual case management services for~~
2 20 ~~persons with mental retardation, a developmental disability,~~
2 21 ~~or chronic mental illness shall receive cost-based~~
2 22 ~~reimbursement for one hundred percent of the reasonable costs~~
2 23 ~~for the provision of the services in accordance with standards~~
2 24 ~~adopted by the mental health, mental retardation,~~
2 25 ~~developmental disabilities, and brain injury commission~~
2 26 ~~pursuant to section 225C.6.~~

2 27 ~~2. Providers of services to persons with chronic mental~~
2 28 ~~illness implemented under the adult rehabilitation option of~~
2 29 ~~the state medical assistance plan.~~

2 30 Sec. 4. Section 331.440A, subsection 7, paragraph b,
2 31 subparagraph (1), Code 2007, is amended to read as follows:

2 32 (1) The oversight committee may make a determination that
2 33 implementation by the department of human services of a new
2 34 significant funding provision such as the rehabilitation
2 35 option for persons with chronic mental illness remedial



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3 1 services or a waiver under the medical assistance program, or
3 2 another good cause reason, justifies delay of the
3 3 implementation of the pilot project phases as provided in
3 4 subsection 6. If such a determination is made, the department
3 5 of human services and pilot project counties shall delay
3 6 implementation of the pilot project phases until a date
3 7 identified by the oversight committee.

3 8 Sec. 5. Section 249A.26A, Code 2007, is repealed.

3 9 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection
3 10 3, shall not apply to this division of this Act.

3 11 DIVISION II

3 12 LEGAL SETTLEMENT STATUS

3 13 Sec. 7. Section 252.16, subsection 8, Code 2007, is
3 14 amended to read as follows:

3 15 8. a. A person receiving treatment or support services
3 16 from any provider, whether organized for pecuniary profit or
3 17 not or whether supported by charitable or public or private
3 18 funds, ~~that~~ who provides treatment or services for mental
3 19 retardation, developmental disabilities, mental health, brain
3 20 injury, or substance abuse does not acquire legal settlement
3 21 in a county unless the person continuously resides in that
3 22 county for one year from the date of the last treatment or
3 23 support service received by the person.

3 24 b. For the purposes of this section, "treatment or support
3 25 services" means treatment or support services provided under
3 26 the authority of a mental health professional, as defined in
3 27 section 228.1. A person's receipt of a prescription for a
3 28 psychotropic drug from a mental health professional other than
3 29 a psychiatrist does not constitute receiving treatment or
3 30 support services under this section.

3 31 EXPLANATION

3 32 This bill provides for county and state financial
3 33 responsibility for certain human services programs and
3 34 treatment or support services. The bill is organized into
3 35 divisions.



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4 1 FINANCIAL RESPONSIBILITY FOR CERTAIN MEDICAID SERVICES.
4 2 This division addresses state and county financial
4 3 responsibility for certain medical assistance (Medicaid)
4 4 program services provided to adults. Under current law, the
4 5 county of legal settlement is responsible for the nonfederal
4 6 share of the cost of services provided to persons with chronic
4 7 mental illness who receive services under the adult
4 8 rehabilitation option of the state plan for the services. The
4 9 state is responsible for the nonfederal share for state cases.
4 10 The department of human services is in the process of
4 11 eliminating the adult rehabilitation option under Medicaid and
4 12 is instead implementing a new approach. The new approach is
4 13 to offer remedial services and habilitation services as part
4 14 of the regular Medicaid benefit package.
4 15 The bill eliminates Code references to the rehabilitation
4 16 option and the limitation of the option's application to
4 17 persons with chronic mental illness. Code section 249A.26,
4 18 relating to state and county participation in funding for
4 19 services to persons with disabilities, is amended to replace
4 20 the references to the rehabilitation option in the
4 21 requirements for county of legal settlement and state
4 22 financial responsibility with references to remedial services
4 23 and habilitation services.
4 24 Conforming amendments are made in Code section 225C.6,
4 25 relating to the responsibility of the mental health, mental
4 26 retardation, developmental disabilities, and brain injury
4 27 commission to adopt rules for service providers; and Code
4 28 section 331.440A, relating to grounds which may be used for
4 29 delaying implementation of an adult mental health, mental
4 30 retardation, and developmental disabilities services funding
4 31 decategorization pilot project.
4 32 Code section 249.26A, which relates to the same
4 33 requirements addressed in the bill in Code section 249A.26, is
4 34 repealed.
4 35 Code section 249A.31, relating to providers who are



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5 1 reimbursed for 100 percent of the reasonable costs for the
5 2 provision of services, is amended to eliminate the requirement
5 3 for cost-based reimbursement for adult rehabilitation option
5 4 services and to reorganize the section.

5 5 The division may include a state mandate as defined in Code
5 6 section 25B.3. The division makes inapplicable Code section
5 7 25B.2, subsection 3, which would relieve a political
5 8 subdivision from complying with a state mandate if funding for
5 9 the cost of the state mandate is not provided or specified.
5 10 Therefore, political subdivision are required to comply with
5 11 any state mandate included in the division.

5 12 LEGAL SETTLEMENT STATUS. This division amends Code section
5 13 252.16, relating to establishing a county of legal settlement.
5 14 Current law provides that a person receiving treatment or
5 15 support services from any provider that provides treatment or
5 16 services for mental retardation, developmental disabilities,
5 17 mental health, brain injury, or substance abuse does not
5 18 acquire legal settlement in a county unless the person
5 19 continuously resides in that county for one year from the date
5 20 of the last treatment or support service received by the
5 21 person.

5 22 The bill defines the term "treatment or support services"
5 23 as used in Code section 252.16 to mean treatment or support
5 24 services provided by a mental health professional, as defined
5 25 in Code section 228.1. Code section 228.1 defines the term
5 26 "mental health professional" to mean an individual who has all
5 27 of the following qualifications: the individual holds at
5 28 least a master's degree in a mental health field including but
5 29 not limited to psychology, counseling and guidance, nursing,
5 30 and social work, or the individual is a physician and surgeon
5 31 or an osteopathic physician and surgeon; the individual holds
5 32 a current Iowa license if practicing in a field covered by an
5 33 Iowa licensure law; and the individual has at least two years
5 34 of post-degree clinical experience, supervised by another
5 35 mental health professional, in assessing mental health needs



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6 1 and problems and in providing appropriate mental health
6 2 services.
6 3 In addition, the bill provides a person's receipt of a
6 4 prescription for a psychotropic drug from a mental health
6 5 professional other than a psychiatrist does not constitute
6 6 receiving treatment or support services.
6 7 LSB 1240DP 82
6 8 jp:sc/es/88.1



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House Study Bill 218

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



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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



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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



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~~House Study Bill 218 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



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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



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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



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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~~



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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



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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



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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



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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



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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,



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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



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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



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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



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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~~



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~~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~~



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~~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



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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.



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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



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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~~



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~~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:~~



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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



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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



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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



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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



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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



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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



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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.



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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



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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



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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.



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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.



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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



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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



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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
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House Study Bill 218 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



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House Study Bill 219

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON LYKAM)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to civil service for deputy county sheriffs by
2 allowing a county to appeal certain decisions of the civil
3 service commission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2105HC 82
6 eg/je/5



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House Study Bill 219 continued

PAG LIN

1 1 Section 1. Section 341A.12, unnumbered paragraph 2, Code
1 2 2007, is amended to read as follows:
1 3 ~~If the order of removal, suspension, or demotion is~~
1 4 ~~concurred in by a majority of the commission, the~~ The county
1 5 ~~or the accused may appeal therefrom from the commission's~~
1 6 ~~finding and decision~~ to the district court of the county where
1 7 the accused resides. Such appeal shall be taken by serving
1 8 upon the commission within thirty days after the entry of its
1 9 ~~order~~ finding and decision, a written notice of appeal,
1 10 stating the grounds thereof, and demanding that a certified
1 11 transcript of the record and of all papers on file in the
1 12 office of the commission affecting or relating to its ~~order~~
1 13 finding and decision, be filed by the commission with the
1 14 court. The commission shall, within ten days after the filing
1 15 of the notice make, certify, and file such transcript with the
1 16 court. The court shall proceed to hear and determine the
1 17 appeal in a summary manner. Such hearing shall be confined to
1 18 the determination of whether the ~~order of removal, suspension,~~
1 19 ~~or demotion made by~~ finding and decision of the commission to
1 20 affirm, modify, or revoke the order of the sheriff was made in
1 21 good faith and for cause, and no appeal shall be taken except
1 22 upon such grounds. The decision of the district court may be
1 23 appealed to the supreme court.
1 24 EXPLANATION
1 25 Pursuant to Code section 341A.12, a civil service
1 26 commission may affirm, modify, or revoke a sheriff's order of
1 27 removal, suspension, or reduction in rank against an accused
1 28 deputy sheriff. The accused may appeal the finding and
1 29 decision of the commission to the district court. This bill
1 30 allows a county to appeal a finding and decision of a
1 31 commission to the district court.
1 32 LSB 2105HC 82
1 33 eg:sc/je/5



Iowa General Assembly
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House Study Bill 220

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 EDUCATION BILL BY
 CHAIRPERSON WENDT)

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

A BILL FOR

- 1 An Act relating to the membership of the board of educational
- 2 examiners.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2449HC 82
- 5 kh/gg/14



Iowa General Assembly
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House Study Bill 220 continued

PAG LIN

1 1 Section 1. Section 272.3, subsection 1, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 The board of educational examiners consists of ~~eleven~~
1 4 twelve members. Two must be members of the general public,
1 5 one must be the director of the department of education or the
1 6 director's designee, and the remaining nine members must be
1 7 licensed practitioners. One of the public members shall have
1 8 served on a school board. The public members ~~shall never have~~
1 9 ~~held a practitioner's license, but~~ shall have a demonstrated
1 10 interest in education. ~~One of the licensed practitioners~~
1 11 ~~shall be the director of the department of education or the~~
1 12 ~~director's designee. The remaining eight~~ nine practitioners
1 13 shall be selected from the following areas and specialties of
1 14 the teaching profession:

1 15 EXPLANATION

1 16 This bill increases the membership of the board of
1 17 educational examiners from 11 members to 12 members. The bill
1 18 eliminates a requirement that the director of the department
1 19 of education serve as one of the members who is required to be
1 20 a licensed practitioner.

1 21 LSB 2449HC 82

1 22 kh:nh/gg/14.1



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House Study Bill 221

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON LYKAM)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to possession or consumption of an alcoholic
- 2 beverage by an under legal age person on certain property.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2411HC 82
- 5 jm/cf/24



Iowa General Assembly
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House Study Bill 221 continued

PAG LIN

1 1 Section 1. Section 123.47, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 1A. Except for the purposes described in
1 4 subsection 2, a person who is the owner or lessee of, or who
1 5 otherwise has control over, property that is not a licensed
1 6 premises, shall not permit any person, knowing or having
1 7 reasonable cause to believe the person to be under legal age,
1 8 to consume or possess on such property any alcoholic liquor,
1 9 wine, or beer.

1 10 Sec. 2. Section 123.47, subsection 3, paragraph a,
1 11 unnumbered paragraph 1, Code 2007, is amended to read as
1 12 follows:

1 13 A person who is under legal age, other than a licensee or
1 14 permittee, who violates this section regarding the purchase of
1 15 or attempt to purchase alcoholic liquor, wine, or beer, or
1 16 possessing or having control of alcoholic liquor, wine, or
1 17 beer, or permits under legal age consumption or possession on
1 18 certain property, commits the following:

1 19 Sec. 3. Section 123.47, subsection 4, Code 2007, is
1 20 amended to read as follows:

1 21 4. Except as otherwise provided in subsections 5 and 6, a
1 22 person who is of legal age, other than a licensee or
1 23 permittee, who sells, gives, or otherwise supplies alcoholic
1 24 liquor, wine, or beer to a person who is under legal age in
1 25 violation of this section, or permits under legal age
1 26 consumption or possession on certain property, commits a
1 27 serious misdemeanor punishable by a minimum fine of five
1 28 hundred dollars.

1 29 EXPLANATION

1 30 This bill relates to possession or consumption of an
1 31 alcoholic beverage by an under legal age person on certain
1 32 property.

1 33 Under the bill, a person who is the owner or lessee of, or
1 34 who otherwise has control over, property that is not a
1 35 licensed premises, shall not permit an under legal age person



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House Study Bill 221 continued

2 1 to consume or possess an alcoholic beverage on such property.
2 2 The bill does not affect situations involving a person
2 3 under legal age consuming or possessing an alcoholic beverage
2 4 for a permitted purpose under Code section 123.47, subsection
2 5 2.
2 6 For a first offense, a person under legal age who permits
2 7 under legal age consumption or possession in violation of the
2 8 bill commits a simple misdemeanor punishable as a scheduled
2 9 violation under Code section 805.8C, subsection 7; for a
2 10 second offense a person commits a simple misdemeanor
2 11 punishable by a fine of \$500; and for a third or subsequent
2 12 offense the person commits a simple misdemeanor punishable by
2 13 a fine of \$500 and suspension of the person's motor vehicle
2 14 operating privileges for up to one year.
2 15 A person of legal age who permits under legal age
2 16 consumption or possession in violation of the bill commits a
2 17 serious misdemeanor punishable by a minimum fine of \$500.
2 18 LSB 2411HC 82
2 19 jm:nh/cf/24



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House Study Bill 222

SENATE/HOUSE FILE
BY (PROPOSED IOWA
TELECOMMUNICATIONS AND
TECHNOLOGY COMMISSION
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to expenditure approval requirements applicable
- 2 to the purchase of telecommunications equipment or services by
- 3 the Iowa communications network.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1274XD 82
- 6 rn/je/5



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House Study Bill 222 continued

PAG LIN

1 1 Section 1. Section 8D.11, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. The commission may purchase, lease, and improve
1 4 property, equipment, and services for telecommunications for
1 5 public and private agencies and may dispose of property and
1 6 equipment when not necessary for its purposes. ~~However, the~~
1 7 The commission shall not may enter into a contract for the
1 8 purchase, lease, or improvement of property, equipment, or
1 9 services for telecommunications pursuant to this subsection in
1 10 an amount not greater than ~~one~~ two million dollars without
1 11 prior authorization by a constitutional majority of each house
1 12 of the general assembly, or approval by the legislative
1 13 council if the general assembly is not in session. A contract
1 14 in an amount exceeding two million dollars shall require prior
1 15 authorization or approval. This authorized contractual limit
1 16 shall be adjusted annually pursuant to subsection 1A. The
1 17 commission shall not issue any bonding or other long-term
1 18 financing arrangements as defined in section 12.30, subsection
1 19 1, paragraph "b". Real or personal property to be purchased
1 20 by the commission through the use of a financing agreement
1 21 shall be done in accordance with the provisions of section
1 22 12.28, provided, however, that the commission ~~shall not may~~
1 23 purchase property, equipment, or services for
1 24 telecommunications pursuant to ~~this subsection~~ a financing
1 25 agreement in an amount not greater than ~~one~~ two million
1 26 dollars without prior authorization by a constitutional
1 27 majority of each house of the general assembly, or approval by
1 28 the legislative council if the general assembly is not in
1 29 session. A contract in an amount exceeding two million
1 30 dollars shall require prior authorization or approval. This
1 31 authorized limit for purchases pursuant to a financing
1 32 arrangement shall be adjusted annually pursuant to subsection
1 33 1A.

1 34 Sec. 2. Section 8D.11, Code 2007, is amended by adding the
1 35 following new subsection:



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House Study Bill 222 continued

3 1 thereafter, prescribes a method of computation, states that
3 2 the adjustments shall be applicable for the 12-month period
3 3 commencing on September 1 of the year in which made, and
3 4 provides for publication as a notice in the Iowa
3 5 administrative bulletin prior to the September 1 date.
3 6 LSB 1274XD 82
3 7 rn:rj/je/5.1



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House Study Bill 223

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to financial and regulatory matters by making and
2 revising appropriations for the fiscal years beginning July 1,
3 2004, 2005, and 2006, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1112XG 82
6 jp/gg/14



**Iowa General Assembly
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House Study Bill 223 continued

PAG LIN

1	1		
1	2		
1	3		
1	4		
1	5	Section 1. 2006 Iowa Acts, chapter 1177, section 1,	
1	6	subsection 2, is amended to read as follows:	
1	7	2. For the payment of utility costs:	
1	8	.....	\$ 3,080,865
1	9		<u>4,280,865</u>
1	10	Notwithstanding section 8.33, any excess funds appropriated	
1	11	for utility costs in this subsection shall not revert to the	
1	12	general fund of the state at the end of the fiscal year but	
1	13	shall remain available for expenditure for the purposes of	
1	14	this subsection during the fiscal year beginning July 1, 2007.	
1	15	It is the intent of the general assembly that the	
1	16	department shall reduce utility costs through energy	
1	17	conservation practices. The goal of the general assembly is	
1	18	to reduce energy use by ten percent to save money, conserve	
1	19	energy resources, and reduce pollution.	
1	20		
1	21	Sec. 2. 2006 Iowa Acts, chapter 1177, section 10,	
1	22	subsection 2, is amended to read as follows:	
1	23	2. TERRACE HILL QUARTERS	
1	24	For salaries, support, maintenance, and miscellaneous	
1	25	purposes for the governor's quarters at Terrace Hill, and for	
1	26	not more than the following full-time equivalent positions:	
1	27	.....	\$ <u>378,633</u>
1	28		<u>483,633</u>
1	29	..... FTEs	8.00
1	30		
1	31		
1	32	Sec. 3. 2006 Iowa Acts, chapter 1177, section 18,	
1	33	unnumbered paragraph 2, is amended to read as follows:	
1	34	For salaries, support, maintenance, and miscellaneous	
1	35	purposes, and for not more than the following full-time	



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House Study Bill 223 continued

2 1 equivalent positions:
 2 2 \$ ~~23,138,575~~
 2 3 23,238,575
 2 4 FTEs 392.64

2 5 DIVISION II
 2 6 ECONOMIC DEVELOPMENT

2 7 Sec. 4. TARGETED SMALL BUSINESS TASK FORCE REPORT. There
 2 8 is appropriated from the general fund of the state to the
 2 9 department of economic development for the fiscal year
 2 10 beginning July 1, 2006, and ending June 30, 2007, the
 2 11 following amount, or so much thereof as is necessary, to be
 2 12 used for the purposes designated:

2 13 For implementation of the December 8, 2006, report of the
 2 14 targeted small business task force created pursuant to
 2 15 Executive Order Number 49:
 2 16 \$ 4,000,000

2 17 Notwithstanding section 8.33, moneys appropriated in this
 2 18 section that remain unencumbered or unobligated at the close
 2 19 of the fiscal year shall not revert but shall remain available
 2 20 for expenditure for the purposes designated until the close of
 2 21 the succeeding fiscal year.

2 22 DIVISION III
 2 23 EDUCATION
 2 24 STATE BOARD OF REGENTS

2 25 Sec. 5. CENTER FOR REGENERATIVE MEDICINE. There is
 2 26 appropriated from the general fund of the state to the state
 2 27 board of regents for the fiscal year beginning July 1, 2006,
 2 28 and ending June 30, 2007, the following amount, or so much
 2 29 thereof as is necessary, to be used for the purposes
 2 30 designated:

2 31 For development and implementation of an Iowa center for
 2 32 regenerative medicine at the university of Iowa:
 2 33 \$ 2,500,000

2 34 Notwithstanding section 8.33, moneys appropriated in this
 2 35 section that remain unencumbered or unobligated at the close



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House Study Bill 223 continued

4 1 reimbursement for services provided to the Clarinda youth
 4 2 corporation are appropriated to the department and shall be
 4 3 used for the purpose of operating the Clarinda correctional
 4 4 facility.
 4 5 j. For reimbursement of counties for temporary confinement
 4 6 of work release and parole violators, as provided in sections
 4 7 901.7, 904.908, and 906.17 and for offenders confined pursuant
 4 8 to section 904.513:
 4 9 \$ ~~799,954~~
 4 10 1,199,954
 4 11 DEPARTMENT OF CORRECTIONS
 4 12 ADMINISTRATION
 4 13 Sec. 7. 2006 Iowa Acts, chapter 1183, section 5,
 4 14 subsection 1, paragraph a, unnumbered paragraph 1, is amended
 4 15 to read as follows:
 4 16 For general administration, including salaries, support,
 4 17 maintenance, employment of an education director to administer
 4 18 a centralized education program for the correctional system,
 4 19 and miscellaneous purposes:
 4 20 \$ ~~3,928,438~~
 4 21 4,228,438
 4 22 DEPARTMENT OF PUBLIC SAFETY
 4 23 DIVISION OF CRIMINAL
 4 24 INVESTIGATION
 4 25 Sec. 8. 2006 Iowa Acts, chapter 1183, section 16,
 4 26 subsection 2, unnumbered paragraph 1, is amended to read as
 4 27 follows:
 4 28 For the division of criminal investigation, including the
 4 29 state's contribution to the peace officers' retirement,
 4 30 accident, and disability system provided in chapter 97A in the
 4 31 amount of 17 percent of the salaries for which the funds are
 4 32 appropriated, to meet federal fund matching requirements, and
 4 33 for not more than the following full-time equivalent
 4 34 positions:
 4 35 \$ ~~18,673,875~~



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House Study Bill 223 continued

5	1		<u>19,140,375</u>
5	2 FTEs	270.50
5	3	DEPARTMENT OF PUBLIC SAFETY	
5	4	STATE FIRE MARSHAL	
5	5	Sec. 9. Section 2006 Iowa Acts, chapter 1183, section 16,	
5	6	subsection 5, paragraph b, is amended to read as follows:	
5	7	b. For the division of state fire marshal, for fire	
5	8	protection services as provided through the state fire service	
5	9	and emergency response council as created in the department,	
5	10	and for not more than the following full-time equivalent	
5	11	positions:	
5	12	..... \$	675,820
5	13		<u>775,820</u>
5	14	..... FTEs	10.00
5	15	DEPARTMENT OF PUBLIC SAFETY	
5	16	STATE PATROL	
5	17	Sec. 10. 2006 Iowa Acts, chapter 1183, section 16,	
5	18	subsection 6, unnumbered paragraph 1, is amended to read as	
5	19	follows:	
5	20	For the division of state patrol, for salaries, support,	
5	21	maintenance, workers' compensation costs, and miscellaneous	
5	22	purposes, including the state's contribution to the peace	
5	23	officers' retirement, accident, and disability system provided	
5	24	in chapter 97A in the amount of 17 percent of the salaries for	
5	25	which the funds are appropriated, and for not more than the	
5	26	following full-time equivalent positions:	
5	27	..... \$	45,185,618
5	28		<u>45,335,618</u>
5	29	..... FTEs	531.00
5	30	DIVISION V	
5	31	TOBACCO SETTLEMENT TRUST FUND	
5	32	Sec. 11. FY 2006=2007. There is appropriated from the	
5	33	tax-exempt bond proceeds restricted capital funds account of	
5	34	the tobacco settlement trust fund to the following departments	
5	35	and agencies for the fiscal year beginning July 1, 2006, and	



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8 1 increased.

8 2 Appropriations to the department of public safety for the
8 3 divisions of criminal investigation, state fire marshal, and
8 4 state patrol are increased.

8 5 TOBACCO SETTLEMENT TRUST FUND == This division makes new
8 6 appropriations and revises existing appropriations from the
8 7 tax-exempt bond proceeds restricted capital funds account of
8 8 the tobacco settlement trust fund.

8 9 New appropriations are made for FY 2006=2007 to the
8 10 department of administrative services for roof replacement at
8 11 Terrace Hill and for upgrades to the capitol complex
8 12 electrical distribution system and to the department of public
8 13 safety for property acquisition, radio consoles, and office
8 14 furnishings and equipment.

8 15 Existing appropriations are reduced for FY 2004=2005 to the
8 16 department of administrative services for purchase and
8 17 installation of an integrated information for Iowa system and
8 18 for FY 2005=2006 to the department of public safety for
8 19 construction of an Iowa state patrol post.

8 20 EFFECTIVE DATE == This division provides that the bill
8 21 takes effect upon enactment.

8 22 LSB 1112XG 82

8 23 jp:mg/gg/14.4



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House Study Bill 224

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning horse racing by providing for purse agreements
- 2 for races of standardbred horses at county fairs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1930HC 82
- 5 ec/je/5



Iowa General Assembly
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House Study Bill 224 continued

PAG LIN

1 1 Section 1. Section 99F.6, subsection 4, paragraph a, Code
1 2 2007, is amended to read as follows:

1 3 a. (1) Before a license is granted, the division of
1 4 criminal investigation of the department of public safety
1 5 shall conduct a thorough background investigation of the
1 6 applicant for a license to operate a gambling game operation
1 7 on an excursion gambling boat. The applicant shall provide
1 8 information on a form as required by the division of criminal
1 9 investigation.

1 10 (2) A qualified sponsoring organization licensed to
1 11 operate gambling games under this chapter shall distribute the
1 12 receipts of all gambling games, less reasonable expenses,
1 13 charges, taxes, fees, and deductions allowed under this
1 14 chapter, as winnings to players or participants or shall
1 15 distribute the receipts for educational, civic, public,
1 16 charitable, patriotic, or religious uses as defined in section
1 17 99B.7, subsection 3, paragraph "b". However, a licensee to
1 18 conduct gambling games under this chapter shall, unless an
1 19 operating agreement for an excursion gambling boat otherwise
1 20 provides, distribute at least three percent of the adjusted
1 21 gross receipts for each license year for educational, civic,
1 22 public, charitable, patriotic, or religious uses as defined in
1 23 section 99B.7, subsection 3, paragraph "b". However, if a
1 24 licensee who is also licensed to conduct pari-mutuel wagering
1 25 at a horse racetrack has unpaid debt from the pari-mutuel
1 26 racetrack operations, the first receipts of the gambling games
1 27 operated within the racetrack enclosure less reasonable
1 28 operating expenses, taxes, and fees allowed under this chapter
1 29 shall be first used to pay the annual indebtedness.

1 30 (3) The commission shall authorize, subject to the debt
1 31 payments for horse racetracks and the provisions of paragraph
1 32 "b" for dog racetracks, a licensee who is also licensed to
1 33 conduct pari-mutuel dog or horse racing to use receipts from
1 34 gambling games within the racetrack enclosure to supplement
1 35 purses for races particularly for Iowa-bred horses pursuant to



Iowa General Assembly
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House Study Bill 224 continued

2 1 an agreement which shall be negotiated between the licensee
2 2 and representatives of the dog or horse owners. For
2 3 agreements subject to commission approval concerning purses
2 4 for horse racing beginning on or after January 1, 2006, and
2 5 ending before January 1, 2021, the agreements shall provide
2 6 that total annual purses for all horse racing shall be no less
2 7 than eleven percent of the first two hundred million dollars
2 8 of net receipts, and six percent of net receipts above two
2 9 hundred million dollars. In addition, for agreements
2 10 concerning horse racing between the licensee operating the
2 11 horse racetrack in Polk county and representatives of
2 12 standardbred horse owners, the agreement shall include a
2 13 supplemental amount for standardbred horse races held at
2 14 county fair racetracks in the state and the supplemental
2 15 amount shall be included in determining the total annual
2 16 purses for all horse racing that is required to be paid as
2 17 provided by this paragraph "a". Agreements that are subject
2 18 to commission approval concerning horse purses for a
2 19 particular period of time beginning on or after January 1,
2 20 2006, and ending before January 1, 2021, shall be jointly
2 21 submitted to the commission for approval.

2 22 (4) A qualified sponsoring organization shall not make a
2 23 contribution to a candidate, political committee, candidate's
2 24 committee, state statutory political committee, county
2 25 statutory political committee, national political party, or
2 26 fund-raising event as these terms are defined in section
2 27 68A.102. The membership of the board of directors of a
2 28 qualified sponsoring organization shall represent a broad
2 29 interest of the communities.

2 30 (5) For purposes of this paragraph "a", "net receipts"
2 31 means the annual adjusted gross receipts from all gambling
2 32 games less the annual amount of money pledged by the owner of
2 33 the facility to fund a project approved to receive vision Iowa
2 34 funds as of July 1, 2004.

2 35

EXPLANATION



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House Study Bill 224 continued

3 1 This bill provides that agreements concerning horse racing
3 2 between the horse racetrack in Polk county and representatives
3 3 of standardbred horses shall include a supplemental amount for
3 4 standardbred races held at county fairs which amount shall be
3 5 included in determining the total amount of horse purses that
3 6 is required to be paid.
3 7 LSB 1930HC 82
3 8 ec:rj/je/5



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House Study Bill 225

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

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing the earned income tax credit under the
- 2 individual income tax and including a retroactive
- 3 applicability date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2160XL 82
- 6 mg/gg/14



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House Study Bill 225 continued

PAG LIN

1 1 Section 1. Section 422.12B, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. The taxes imposed under this division less the credits
1 4 allowed under section 422.12 shall be reduced by an earned
1 5 income credit equal to ~~six and one-half~~ ten percent of the
1 6 federal earned income credit provided in section 32 of the
1 7 Internal Revenue Code. Any credit in excess of the tax
1 8 liability is nonrefundable.

1 9 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
1 10 retroactively to January 1, 2007, for tax years beginning on
1 11 or after that date.

1 12 EXPLANATION

1 13 This bill increases the state earned income tax credit from
1 14 6.5 percent to 10 percent of the federal earned income tax
1 15 credit.

1 16 The bill applies retroactively to January 1, 2007, for tax
1 17 years beginning on or after that date.

1 18 LSB 2160XL 82

1 19 mg:rj/gg/14



Iowa General Assembly
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House Study Bill 226

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SHOMSHOR)

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

A BILL FOR

1 An Act relating to classification of assisted living property for
2 purposes of property taxation and providing effective and
3 retroactive applicability dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1869YC 82
6 sc/gg/14



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House Study Bill 226 continued

PAG LIN

1 1 Section 1. Section 441.21, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 11A. Beginning with valuations
1 4 established on or after January 1, 2007, as used in this
1 5 section, "residential property" includes all land and
1 6 buildings of assisted living programs, as assisted living is
1 7 defined in section 231C.2, that are subject to property
1 8 taxation.

1 9 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
1 10 This Act, being deemed of immediate importance, takes effect
1 11 upon enactment and applies retroactively to January 1, 2007,
1 12 for assessment years beginning on or after that date.

1 13 EXPLANATION

1 14 This bill provides that the land and buildings of assisted
1 15 living programs subject to property taxation shall be assessed
1 16 as residential property. The bill takes effect upon enactment
1 17 and applies retroactively to January 1, 2007, for assessment
1 18 years beginning on or after that date.

1 19 LSB 1869YC 82

1 20 sc:rj/gg/14



Iowa General Assembly
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Senate Amendment 3039

PAG LIN

1 1 Amend Senate File 110 as follows:
 1 2 #1. Page 2, by striking lines 14 through 27 and
 1 3 inserting the following:
 1 4 <3. A person appointed to serve as a reserve peace
 1 5 officer, ~~who has received basic training as a peace~~
~~1 6 officer and has been certified by the Iowa law~~
~~1 7 enforcement academy~~ pursuant to chapter 80B and rules
 1 8 adopted pursuant to chapter 80B, may be exempted from
 1 9 completing the minimum training course at the
 1 10 discretion of the appointing authority ~~if the officer~~
~~1 11 meets one of the following qualifications:~~
 1 12 a. ~~The appointee is serving as a regular peace~~
~~1 13 officer with a bona fide law enforcement agency when~~
~~1 14 the application for a reserve peace officer~~
~~1 15 appointment is made.~~
 1 16 b. ~~The appointee has served as a regular peace~~
~~1 17 officer with a bona fide law enforcement agency within~~
~~1 18 three years of the date of application for appointment~~
~~1 19 as a reserve peace officer unless the person appointed~~
~~1 20 to serve as a reserve peace officer becomes employed~~
~~1 21 by another law enforcement agency. However, such a~~
~~1 22 person appointed to serve as a >.~~
 1 23 #2. By renumbering as necessary.
 1 24
 1 25
 1 26
 1 27 JEFF ANGELO
 1 28 SF 110.502 82
 1 29 rh/je/5751
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Iowa General Assembly
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Senate File 243 - Introduced

SENATE FILE
BY WARNSTADT

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

A BILL FOR

- 1 An Act relating to the designation of enterprise zones located
- 2 near modes of transportation and including effective date and
- 3 retroactive applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1595XS 82
- 6 tm/es/88



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Senate File 243 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.194, subsection 3, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 A city may designate an area of up to four square miles to
1 4 be an enterprise zone if the area is designated a blighted
1 5 area as defined in section 403.17 or an economic development
1 6 area pursuant to section 403.4 and the area includes or is
1 7 located within four miles of at least three of the following:
1 8 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
1 9 This Act, being deemed of immediate importance, takes effect
1 10 upon enactment and applies retroactively to March 1, 2006.

1 11 EXPLANATION

1 12 This bill relates to the designation of enterprise zones
1 13 located near modes of transportation.

1 14 In 2006, a new type of enterprise zone was enacted,
1 15 effective March 1, 2006, which allows a city to designate an
1 16 area of up to four square miles to be an enterprise zone if
1 17 the area is a blighted area and the area includes or is
1 18 located within four miles of at least three certain types of
1 19 modes of transportation.

1 20 The bill provides that the new type of enterprise zone must
1 21 be designated a blighted area or an economic development area
1 22 pursuant to the "Urban Renewal Law", specifically, Code
1 23 section 403.4.

1 24 The bill takes effect upon enactment and applies
1 25 retroactively to March 1, 2006.

1 26 LSB 1595XS 82
1 27 tm:sc/es/88.1



Iowa General Assembly
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Senate File 244 - Introduced

SENATE FILE
BY BOLKCOM

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring a balanced user approach to transportation
- 2 planning and development.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2267SS 82
- 5 dea/es/88



Iowa General Assembly
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Senate File 244 - Introduced continued

PAG LIN

1 1 Section 1. Section 307.10, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 14A. Establish policy guidelines to
1 4 ensure that the safety and convenience of all users of the
1 5 transportation system, including pedestrians, bicyclists,
1 6 transit users, freight haulers, and motor vehicle operators,
1 7 are accommodated and balanced in all types of transportation
1 8 and development projects and throughout all phases of a
1 9 project so that even the most vulnerable populations,
1 10 including children, the elderly, and persons with
1 11 disabilities, can travel safely within the public
1 12 right-of-way.

1 13 EXPLANATION

1 14 This bill requires the state transportation commission to
1 15 establish policy guidelines for the department of
1 16 transportation to follow in executing the ongoing task of
1 17 planning and developing the state's transportation system.
1 18 The purpose is to ensure that the safety and convenience of
1 19 all users of the system are accommodated and balanced so that
1 20 travel in the public right-of-way is safe for even the most
1 21 vulnerable persons.

1 22 LSB 2267SS 82

1 23 dea:rj/es/88



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Senate File 245 - Introduced

SENATE FILE
BY ZIEMAN

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

A BILL FOR

- 1 An Act creating a recreational class of property for purposes of
- 2 property assessment and taxation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2649XS 82
- 5 sc/gg/14



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Senate File 245 - Introduced continued

PAG LIN

1 1 Section 1. Section 441.21, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 13. Beginning with valuations established
1 4 on or after January 1, 2008, property described in this
1 5 subsection shall be valued as a separate class of property
1 6 called recreational property and shall be assessed at twenty=
1 7 five percent of its actual value. Recreational property is
1 8 subject to reassessment by the assessor and is subject to the
1 9 same equalization percentage amount determined by the director
1 10 of revenue pursuant to section 441.49 as is ordered for
1 11 commercial property.

1 12 For purposes of this subsection, "recreational property"
1 13 means a golf course, downhill skiing area, amusement park,
1 14 water theme park, or recreational vehicle park or campground,
1 15 if such property is operated as a commercial enterprise and
1 16 otherwise subject to taxation.

1 17 EXPLANATION

1 18 This bill creates a new class of property, recreational
1 19 property, for purposes of property assessment and taxation,
1 20 beginning with valuations established on or after January 1,
1 21 2008. The bill describes recreational property as a golf
1 22 course, downhill skiing area, amusement park, water theme
1 23 park, or recreational vehicle park or campground, all of which
1 24 are operated as a commercial enterprise and are otherwise
1 25 subject to taxation. The bill provides that recreational
1 26 property shall be assessed for taxation at 25 percent of its
1 27 actual value.

1 28 LSB 2649XS 82

1 29 sc:nh/gg/14



Iowa General Assembly
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Senate File 246 - Introduced

SENATE FILE
BY PUTNEY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the ordering of political parties listed on
- 2 the ballot.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2259SS 82
- 5 sc/es/88



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Senate File 246 - Introduced continued

PAG LIN

1 1 Section 1. Section 49.31, subsection 1, unnumbered
1 2 paragraph 2, Code 2007, is amended to read as follows:
1 3 The commissioner shall determine the order of political
1 4 parties and nonparty political organizations on the ballot.
1 5 The sequence shall be the same for each office on the ballot
1 6 and for each precinct in the county voting in the election.
1 7 For the order of political parties in successive elections,
1 8 the commissioner shall alternate the order determined in the
1 9 last preceding election. A commissioner who succeeds to that
1 10 office shall discern the order of political parties on the
1 11 ballot determined by the previous commissioner and shall
1 12 alternate the order as required by this paragraph.

1 13 Sec. 2. Section 49.31, Code 2007, is amended by adding the
1 14 following new subsection:

1 15 NEW SUBSECTION. 8. For purposes of this section,
1 16 "political party" means political party as defined by section
1 17 43.2.

1 18 EXPLANATION

1 19 This bill requires the commissioner of elections to
1 20 alternate the order of political parties on the ballot from
1 21 that used in the previous election. Any commissioner
1 22 succeeding to that office shall discern the ordering of
1 23 political parties on the ballot that was utilized by the
1 24 previous commissioner and shall continue to alternate the
1 25 order in successive elections.

1 26 The bill also specifies that "political party" means a
1 27 party which, at the last preceding general election, cast for
1 28 its candidate for president of the United States or for
1 29 governor, as the case may be, at least 2 percent of the total
1 30 vote cast for all candidates for that office at that election.

1 31 LSB 2259SS 82

1 32 sc:rj/es/88



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Senate File 247 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1220)

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

A BILL FOR

- 1 An Act making black bears and cougars fur-bearing animals.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2477SV 82
- 4 av/gg/14



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Senate File 247 - Introduced continued

PAG LIN

1 1 Section 1. Section 481A.1, subsection 20, Code 2007, is
1 2 amended to read as follows:
1 3 20. "Fur-bearing animals" means the following which are
1 4 declared to be fur-bearing animals for the purpose of
1 5 regulation and protection under the Code: beaver, badger,
1 6 mink, otter, muskrat, raccoon, skunk, opossum, spotted skunk
1 7 or civet cat, weasel, black bear, cougar, coyote, bobcat,
1 8 wolf, groundhog, red fox, and gray fox. This chapter does not
1 9 apply to domesticated fur-bearing animals.

1 10 EXPLANATION

1 11 This bill adds black bears and cougars to the list of fur=
1 12 bearing animals. Currently black bears and cougars are not
1 13 addressed in the Code and as such are unprotected nongame
1 14 animals. As fur-bearing animals, black bears and cougars may
1 15 be taken legally only during an open hunting season
1 16 established by the natural resource commission.
1 17 LSB 2477SV 82
1 18 av:nh/gg/14



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Senate File 248 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1143)

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

A BILL FOR

- 1 An Act relating to the membership of the board of physician
- 2 assistant examiners.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2094SV 82
- 5 jr/je/5



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Senate File 248 - Introduced continued

PAG LIN

1 1 Section 1. Section 147.14, subsection 12, Code 2007, is
1 2 amended to read as follows:
1 3 12. For the board of physician assistant examiners, ~~three~~
1 4 five members licensed to practice as physician assistants, at
1 5 least two of whom practice in counties with a population of
1 6 less than fifty thousand, one member licensed to practice
1 7 medicine and surgery who supervises a physician assistant, one
1 8 member licensed to practice osteopathic medicine and surgery
1 9 who supervises a physician assistant, and two members who are
1 10 not licensed to practice either medicine and surgery or
1 11 osteopathic medicine and surgery or licensed as a physician
1 12 assistant and who shall represent the general public. At
1 13 least one of the physician members shall be in practice in a
1 14 county with a population of less than fifty thousand. A
1 15 majority of members of the board constitutes a quorum.

1 16 EXPLANATION

1 17 The board of physician assistant examiners currently has
1 18 seven members, three of whom are licensed to practice as
1 19 physician assistants. This bill adds two licensed physician
1 20 assistants to the board membership.

1 21 LSB 2094SV 82

1 22 jr:nh/je/5



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Senate File 249 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1107)

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

A BILL FOR

1 An act relating to the conference of eligibility on and
2 conditions of eligibility for individuals for certain programs
3 under the purview of the department of human services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1234SV 82
6 pf/es/88



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Senate File 249 - Introduced continued

PAG LIN

1 1 Section 1. Section 249A.3, subsection 2, paragraph a, Code
1 2 2007, is amended to read as follows:
1 3 a. As allowed under 42 U.S.C. } 1396a(a)(10)(A)(ii)(XIII),
1 4 individuals with disabilities, who are less than sixty-five
1 5 years of age, who are members of families whose income is less
1 6 than two hundred fifty percent of the most recently revised
1 7 official poverty guidelines published by the United States
1 8 department of health and human services for the family, who
1 9 have earned income and who are eligible for medical assistance
1 10 or additional medical assistance under this section if
1 11 earnings are disregarded. As allowed by 42 U.S.C. }
1 12 1396a(r)(2), unearned income shall also be disregarded in
1 13 determining whether an individual is eligible for assistance
1 14 under this paragraph. For the purposes of determining the
1 15 amount of an individual's resources under this paragraph and
1 16 as allowed by 42 U.S.C. } 1396a(r)(2), a maximum of ten
1 17 thousand dollars of available resources shall be disregarded,
1 18 and any additional resources held in a retirement account, in
1 19 a medical savings account, or in any other account approved
1 20 under rules adopted by the department shall also be
1 21 disregarded. Individuals eligible for assistance under this
1 22 paragraph, whose individual income exceeds one hundred fifty
1 23 percent of the official poverty guidelines published by the
1 24 United States department of health and human services for an
1 25 individual, shall pay a premium. The amount of the premium
1 26 shall be based on a sliding fee schedule adopted by rule of
1 27 the department and shall be based on a percentage of the
1 28 individual's income. The maximum premium payable by an
1 29 individual whose income exceeds one hundred fifty percent of
1 30 the official poverty guidelines shall be commensurate with the
1 31 cost of state employees' group health insurance in this state.
1 32 The payment to and acceptance by an automated case management
1 33 system or the department of the premium required under this
1 34 paragraph shall not automatically confer initial or continuing
1 35 program eligibility on an individual. A premium paid to and



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Senate File 249 - Introduced continued

2 1 accepted by the department's premium payment process that is
2 2 subsequently determined to be untimely or to have been paid on
2 3 behalf of an individual ineligible for the program shall be
2 4 refunded to the remitter in accordance with rules adopted by
2 5 the department.

2 6 Sec. 2. Section 249A.6, Code 2007, is amended to read as
2 7 follows:

2 8 249A.6 ASSIGNMENT == LIEN.

2 9 1. a. As a condition of eligibility for medical
2 10 assistance, a recipient who has the legal capacity to execute
2 11 an assignment shall do all of the following:

2 12 (1) Assign to the department any rights to payments of
2 13 medical care from any third party.

2 14 (2) Cooperate with the department in obtaining payments
2 15 described in paragraph "a".

2 16 (3) Cooperate with the department in identifying and
2 17 providing information to assist the department in pursuing any
2 18 third party who may be liable to pay for medical care and
2 19 services available under the medical assistance program.

2 20 b. Any amount collected by the department through an
2 21 assignment shall be retained by the department as
2 22 reimbursement for medical assistance payments.

2 23 ~~1. 2.~~ 2. When payment is made by the department for medical
2 24 care or expenses through the medical assistance program on
2 25 behalf of a recipient, the department shall have a lien, to
2 26 the extent of those payments, upon all monetary claims which
2 27 the recipient may have against third parties. A lien under
2 28 this section is not effective unless the department files a
2 29 notice of lien with the clerk of the district court in the
2 30 county where the recipient resides and with the recipient's
2 31 attorney when the recipient's eligibility for medical
2 32 assistance is established. The notice of lien shall be filed
2 33 before the third party has concluded a final settlement with
2 34 the recipient, the recipient's attorney, or other
2 35 representative. The third party shall obtain a written



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3 1 determination from the department concerning the amount of the
3 2 lien before a settlement is deemed final for purposes of this
3 3 section. A compromise, including but not limited to a
3 4 settlement, waiver or release, of a claim under this section
3 5 does not defeat the department's lien except pursuant to the
3 6 written agreement of the director or the director's designee.
3 7 A settlement, award, or judgment structured in any manner not
3 8 to include medical expenses or an action brought by a
3 9 recipient or on behalf of a recipient which fails to state a
3 10 claim for recovery of medical expenses does not defeat the
3 11 department's lien if there is any recovery on the recipient's
3 12 claim.

3 13 ~~2.~~ 3. The department shall be given notice of monetary
3 14 claims against third parties as follows:

3 15 a. Applicants for medical assistance shall notify the
3 16 department of any possible claims against third parties upon
3 17 submitting the application. Recipients of medical assistance
3 18 shall notify the department of any possible claims when those
3 19 claims arise.

3 20 b. A person who provides health care services to a person
3 21 receiving assistance through the medical assistance program
3 22 shall notify the department whenever the person has reason to
3 23 believe that third parties may be liable for payment of the
3 24 costs of those health care services.

3 25 c. An attorney representing an applicant for or recipient
3 26 of assistance on a claim upon which the department has a lien
3 27 under this section shall notify the department of the claim of
3 28 which the attorney has actual knowledge, prior to filing a
3 29 claim, commencing an action or negotiating a settlement offer.
3 30 Actual knowledge under this section shall include the notice
3 31 to the attorney pursuant to subsection ~~1~~ 2.

3 32 The mailing and deposit in a United States post office or
3 33 public mailing box of the notice, addressed to the department
3 34 at its state or district office location, is adequate legal
3 35 notice of the claim.



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4 1 ~~3.~~ 4. The department's lien is valid and binding on an
4 2 attorney, insurer, or other third party only upon notice by
4 3 the department or unless the attorney, insurer, or third party
4 4 has actual notice that the recipient is receiving medical
4 5 assistance from the department and only to the extent to which
4 6 the attorney, insurer, or third party has not made payment to
4 7 the recipient or an assignee of the recipient prior to the
4 8 notice. Payment of benefits by an insurer or third party
4 9 pursuant to the rights of the lienholder in this section
4 10 discharges the attorney, insurer, or third party from
4 11 liability to the recipient or the recipient's assignee to the
4 12 extent of the payment to the department.

4 13 ~~4.~~ 5. If a recipient of assistance through the medical
4 14 assistance program incurs the obligation to pay attorney fees
4 15 and court costs for the purpose of enforcing a monetary claim
4 16 upon which the department has a lien under this section, upon
4 17 the receipt of the judgment or settlement of the total claim,
4 18 of which the lien for medical assistance payments is a part,
4 19 the court costs and reasonable attorney fees shall first be
4 20 deducted from this total judgment or settlement. One-third of
4 21 the remaining balance shall then be deducted and paid to the
4 22 recipient. From the remaining balance, the lien of the
4 23 department shall be paid. Any amount remaining shall be paid
4 24 to the recipient. An attorney acting on behalf of a recipient
4 25 of medical assistance for the purpose of enforcing a claim
4 26 upon which the department has a lien shall not collect from
4 27 the recipient any amount as attorney fees which is in excess
4 28 of the amount which the attorney customarily would collect on
4 29 claims not subject to this section.

4 30 ~~5.~~ 6. For purposes of this section the term "third party"
4 31 includes an attorney, individual, institution, corporation, or
4 32 public or private agency which is or may be liable to pay part
4 33 or all of the medical costs incurred as a result of injury,
4 34 disease, or disability by or on behalf of an applicant for or
4 35 recipient of assistance under the medical assistance program.



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5 1 ~~6~~ 7. The department may enforce its lien by a civil
5 2 action against any liable third party.
5 3 Sec. 3. Section 249J.8, subsection 1, Code 2007, is
5 4 amended to read as follows:
5 5 1. Beginning July 1, 2005, each expansion population
5 6 member whose family income equals or exceeds one hundred
5 7 percent of the federal poverty level as defined by the most
5 8 recently revised poverty income guidelines published by the
5 9 United States department of health and human services shall
5 10 pay a monthly premium not to exceed one-twelfth of five
5 11 percent of the member's annual family income, and each
5 12 expansion population member whose family income is less than
5 13 one hundred percent of the federal poverty level as defined by
5 14 the most recently revised poverty income guidelines published
5 15 by the United States department of health and human services
5 16 shall pay a monthly premium not to exceed one-twelfth of two
5 17 percent of the member's annual family income. All premiums
5 18 shall be paid on the last day of the month of coverage. The
5 19 department shall deduct the amount of any monthly premiums
5 20 paid by an expansion population member for benefits under the
5 21 healthy and well kids in Iowa program when computing the
5 22 amount of monthly premiums owed under this subsection. An
5 23 expansion population member shall pay the monthly premium
5 24 during the entire period of the member's enrollment.
5 25 Regardless of the length of enrollment, the member is subject
5 26 to payment of the premium for a minimum of four consecutive
5 27 months. However, an expansion population member who complies
5 28 with the requirement of payment of the premium for a minimum
5 29 of four consecutive months during a consecutive twelve-month
5 30 period of enrollment shall be deemed to have complied with
5 31 this requirement for the subsequent consecutive twelve-month
5 32 period of enrollment and shall only be subject to payment of
5 33 the monthly premium on a month-by-month basis. Timely payment
5 34 of premiums, including any arrearages accrued from prior
5 35 enrollment, is a condition of receiving any expansion



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6 1 population services. The payment to and acceptance by an
6 2 automated case management system or the department of the
6 3 premium required under this subsection shall not automatically
6 4 confer initial or continuing program eligibility on an
6 5 individual. A premium paid to and accepted by the
6 6 department's premium payment process that is subsequently
6 7 determined to be untimely or to have been paid on behalf of an
6 8 individual ineligible for the program shall be refunded to the
6 9 remitter in accordance with rules adopted by the department.

6 10 Premiums collected under this subsection shall be deposited in
6 11 the premiums subaccount of the account for health care
6 12 transformation created pursuant to section 249J.23. An
6 13 expansion population member shall also pay the same copayments
6 14 required of other adult recipients of medical assistance.

6 15 Sec. 4. Section 514I.10, Code 2007, is amended by adding
6 16 the following new subsection:

6 17 NEW SUBSECTION. 3. The payment to and acceptance by an
6 18 automated case management system or the department of the
6 19 premium required under this section shall not automatically
6 20 confer initial or continuing program eligibility on an
6 21 individual. A premium paid to and accepted through the
6 22 department's premium payment process that is subsequently
6 23 determined to be untimely or to have been paid on behalf of an
6 24 individual ineligible for the program shall be refunded to the
6 25 remitter in accordance with rules adopted by the department.

6 26 EXPLANATION

6 27 This bill provides that the payment of a premium made under
6 28 the Medicaid, IowaCare, or hawk=i program that is accepted by
6 29 an automated case management system or the department does not
6 30 automatically confer initial or continuing program eligibility
6 31 to an individual. If a premium is paid to and accepted
6 32 through the department's premium payment process and is
6 33 subsequently determined to be untimely or to have been paid on
6 34 behalf of an individual ineligible for the program, the bill
6 35 requires the payment to be refunded to the remitter in



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7 1 accordance with rules adopted by the department.
7 2 The bill also provides that as a condition of eligibility,
7 3 a Medicaid recipient who has legal capacity to execute an
7 4 assignment shall assign to the department any rights to
7 5 payments of medical care from any third party, cooperate with
7 6 the department in obtaining such payments, and cooperate with
7 7 the department in identifying and providing information to
7 8 assist the department in pursuing any third party who may be
7 9 liable to pay for medical care and services available under
7 10 Medicaid. Any amount collected by the department through an
7 11 assignment is to be retained by the department as
7 12 reimbursement for Medicaid payments.
7 13 LSB 1234SV 82
7 14 pf:nh/es/88



Iowa General Assembly
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February 21, 2007

Senate File 250 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT

(SUCCESSOR TO SSB 1067)

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

A BILL FOR

- 1 An Act relating to regulation of the harvesting of commercial
- 2 fish, turtles, and freshwater mussels and providing for fees
- 3 and penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1406SV 82
- 6 av/je/5



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1 1 Section 1. Section 482.1, subsections 4 through 9, Code
1 2 2007, are amended to read as follows:

1 3 4. Prohibit, restrict, or regulate commercial fishing, and
1 4 commercial turtle fishing, ~~and commercial mussel fishing~~ in
1 5 any waters of the state.

1 6 5. Revoke the license of a licensee ~~and the licensee's~~
~~1 7 designated operators~~ for up to one year if the licensee ~~or any~~
~~1 8 designated operator~~ has been convicted of a violation of
1 9 chapter 481A, 482, or 483A.

1 10 6. Regulate the numbers of commercial fishers, and
1 11 commercial turtle fishers, ~~and commercial mussel fishers~~ and
1 12 the amount, type, seasonal use, mesh size, construction and
1 13 design, manner of use, and other criteria relating to the use
1 14 of commercial gear for any body of water or part thereof.

1 15 7. Establish catch quotas, seasons, size limits, and other
1 16 regulations for any species of commercial fish, or turtles, ~~or~~
~~1 17 mussels~~ for any body of water or part thereof.

1 18 8. Designate by listing species as commercial fish, or
1 19 turtles, ~~or mussels~~.

1 20 9. Designate any body of water or its part as protected
1 21 habitat and restrict, prohibit, or otherwise regulate the
1 22 taking of commercial fish, and turtles, ~~and mussels~~ in
1 23 protected habitat areas.

1 24 Sec. 2. Section 482.1, unnumbered paragraph 3, Code 2007,
1 25 is amended to read as follows:

1 26 Employees of the commission may lift and inspect any
1 27 commercial gear at any time when being used and may inspect
1 28 commercial catches, commercial markets, and landings, and
1 29 examine catch sale and purchase records of commercial fishers,
1 30 commercial turtle fishers, ~~and commercial mussel fishers~~
1 31 commercial fish buyers, and commercial turtle buyers upon
1 32 demand.

1 33 Sec. 3. Section 482.2, Code 2007, is amended to read as
1 34 follows:

1 35 482.2 DEFINITIONS.



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2 1 As used in this chapter, unless the context otherwise
2 2 requires:
2 3 1. "Boundary waters" means the waters of the Mississippi,
2 4 Missouri, and Big Sioux rivers.
2 5 2. "Commercial fish buyer" means a person engaged in the
2 6 business of buying, selling, bartering, or trading fish, fish
2 7 eggs (roe), or fish parts.
2 8 3. "Commercial fish helper" means a person who assists a
2 9 commercial fisher in operating commercial gear or in taking,
2 10 attempting to take, possessing, processing, or transporting
2 11 commercial fish or turtles.
2 12 ~~2.~~ 4. "Commercial fisher" means a person who is licensed
2 13 to take, attempt to take, possess, process, transport, and
2 14 sell fish and turtles from waters of the state.
2 15 ~~3.~~ 5. "Commercial fishing" means taking, attempting to
2 16 take, possessing, processing, or transporting of fish or
2 17 turtles for the purpose of selling, bartering, exchanging,
2 18 offering, or exposing for sale.
2 19 ~~4.~~ 6. "Commercial gear" means the capturing equipment
2 20 used by commercial fishers, and commercial turtle fishers, ~~and~~
2 21 ~~commercial mussel fishers.~~
2 22 5. ~~"Commercial mussel fisher" means a person who is~~
2 23 ~~licensed to take and sell freshwater mussels from waters of~~
2 24 ~~the state. A resident commercial mussel license holder must~~
2 25 ~~have resided in this state for one year preceding the person's~~
2 26 ~~application for a commercial mussel fishing license.~~
2 27 6. ~~"Commercial mussel fishing" means taking, attempting to~~
2 28 ~~take, or transporting of freshwater mussels for the purpose of~~
2 29 ~~selling, bartering, exchanging, offering, or exposing for~~
2 30 ~~sale.~~
2 31 7. "Commercial species" means species of fish, and
2 32 ~~turtles, and freshwater mussels~~ which may be lawfully taken
2 33 and sold by commercial fishers, and commercial turtle fishers,
2 34 ~~and commercial mussel fishers,~~ as established by rule by the
2 35 commission.



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3 1 8. "Commercial turtle buyer" means a person engaged in the
3 2 business of buying, selling, bartering, or trading turtles,
3 3 turtle eggs, or turtle parts.
3 4 ~~8.~~ 9. "Commercial turtle fisher" means a person who is
3 5 licensed to take, attempt to take, possess, process,
3 6 transport, and sell turtles from the waters of the state.
3 7 ~~9.~~ 10. "Commercial turtle fishing" means taking,
3 8 attempting to take, possessing, processing, or transporting of
3 9 turtles for the purpose of selling, bartering, exchanging,
3 10 offering, or exposing for sale.
3 11 11. "Commercial turtle helper" means a person who assists
3 12 a commercial turtle fisher in operating commercial gear, or in
3 13 taking, attempting to take, possessing, processing, or
3 14 transporting commercial turtles.
3 15 ~~10.~~ 12. "Constant attendance" means the presence of a
3 16 commercial fisher ~~or a designated operator~~ whenever commercial
3 17 gear is in use.
3 18 ~~11.~~ 13. "Director" means the director of the department
3 19 of natural resources, and the director's duly authorized
3 20 assistants, deputies, or agents.
3 21 ~~12.~~ 14. "Game fish" means all species and size categories
3 22 of fish not included as "commercial species" or minnows.
3 23 ~~13.~~ 15. "Inland waters of the state" means all public
3 24 waters of the state excluding the boundary waters of the
3 25 Mississippi, Big Sioux, and Missouri rivers.
3 26 ~~14.~~ 16. "Licensed commercial gear" means any commercial
3 27 gear that is licensed as provided in this chapter and that,
3 28 when in use, has ~~attached~~ the proper tags attached as provided
3 29 by this chapter.
3 30 ~~15.~~ 17. "Nonresident or alien" means a person who does
3 31 not qualify as a resident ~~of the state of Iowa either because~~
~~3 32 of a bona fide residence in another state or because of~~
~~3 33 citizenship of a country other than the United States.~~
~~3 34 However, "alien" does not include a person who has applied for~~
~~3 35 naturalization papers.~~



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4 1 ~~16.~~ 18. "Resident" means a natural person who is legally
4 2 subject to motor vehicle registration and driver's license
4 3 laws of this state, or who is qualified to vote in an election
4 4 of this state. meets any of the following criteria:

4 5 a. Has physically resided in this state for at least
4 6 thirty consecutive days immediately prior to applying for or
4 7 purchasing a resident license under this chapter and has been
4 8 issued an Iowa driver's license or an Iowa nonoperator's
4 9 identification card.

4 10 b. Is a nonresident under eighteen years of age whose
4 11 parent is a resident of this state.

4 12 c. Is a member of the armed forces of the United States
4 13 who is serving on active duty, claims residency in this state,
4 14 and has filed a state individual income tax return as a
4 15 resident pursuant to chapter 422, division II, for the
4 16 preceding tax year, or is stationed in this state.

4 17 d. Is registered to vote in this state.

4 18 A resident license shall be limited to persons who do not
4 19 claim any resident privileges, except as defined in paragraphs
4 20 "b", "c", and "d", in another state or country. A person
4 21 shall not purchase or apply for any resident license or permit
4 22 if that person has claimed residency in any other state or
4 23 country.

4 24 ~~17.~~ 19. "Waters of the state" means all of the waters
4 25 under the jurisdiction of the state.

4 26 Sec. 4. Section 482.4, Code 2007, is amended to read as
4 27 follows:

4 28 482.4 COMMERCIAL LICENSES AND GEAR TAGS.

4 29 1. A person shall not use or operate commercial gear
4 30 unless at least one individual at the site where the
4 31 commercial gear is being operated possesses an appropriate
4 32 valid commercial license, or a designated operator's license.
4 33 A commercial license is valid from the date of issue to
4 34 January 10 of the succeeding calendar year.

4 35 ~~2. A commercial fisher may designate a person as a~~



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~~5 1 designated operator to lift and to fish with any licensed
5 2 commercial fishing gear owned by the commercial fisher. A
5 3 commercial fisher shall not have more than five designated
5 4 operators. A designated operator's license shall be assigned
5 5 to not more than three operators during a year and a
5 6 designated operator's license shall be valid for use only by
5 7 an operator who possesses the license and has signed the
5 8 license. The signature of any preceding designated operator
5 9 who possessed the license shall be crossed out. A designated
5 10 operator shall not lift or fish any commercial fishing gear
5 11 without possessing a designated operator's license which is
5 12 signed by the operator. A designated operator's license which
5 13 is not signed by the operator in possession of the license is
5 14 forfeited to the state.~~

5 15 3. A boundary water annual sport trotline license permits
5 16 the licensee to use a maximum of four trotlines with two
5 17 hundred hooks in the aggregate. All boundary water sport
5 18 trotlines shall be tagged with the name and address of the
5 19 licensee on a metal tag affixed above the waterline.

5 20 4. 2. Commercial fishers and commercial turtle fishers
5 21 shall purchase gear tags from the commission to be affixed to
5 22 each piece of gear in use. Notwithstanding the fee rates for
5 23 gear tags ~~of~~ under subsection 7 5, the minimum fee for a gear
5 24 tag is five dollars. All tags are valid for ten years from
5 25 the date of issue. In addition to the gear tags, all gear
5 26 shall be tagged with a ~~metal~~ weather-resistant tag showing the
5 27 name and address of the licensee and whether the gear is fish
5 28 or turtle gear.

5 29 ~~5.~~ 3. All numbered fish gear tags are interchangeable
5 30 among the different types of commercial fishing gear.

5 31 ~~6.~~ 4. Annual license fees are as follows:

5 32	a. Commercial fishing <u>fisher</u> , resident.....	\$ 200.00
5 33	b. Commercial fishing <u>fisher</u> , nonresident.....	\$ 400.00
5 34	c. Designated operator <u>Commercial fish helper</u> ,	
5 35	resident.....	\$ 50.00



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6 1	d. Designated operator <u>Commercial fish helper,</u>	
6 2	nonresident.....	\$ 100.00
6 3	e. <u>Commercial fish buyer, resident.....</u>	\$ 250.00
6 4	f. <u>Commercial fish buyer, nonresident.....</u>	\$ 500.00
6 5	e. <u>g. Commercial turtle <u>fisher</u>, resident.....</u>	\$ 50.00
6 6		<u>200.00</u>
6 7	f. <u>h. Commercial turtle <u>fisher</u>, nonresident.....</u>	\$ <u>100.00</u>
6 8		<u>400.00</u>
6 9	g. <u>Commercial mussel fisher, resident.....</u>	\$ <u>100.00</u>
6 10	h. <u>Commercial mussel buyer, resident.....</u>	\$ <u>1,000.00</u>
6 11	i. <u>Commercial mussel buyer, nonresident.....</u>	\$ <u>5,000.00</u>
6 12	j. <u>Boundary water sport trotline, resident.....</u>	\$ <u>10.00</u>
6 13	k. <u>Boundary water sport trotline, nonresident.....</u>	\$ <u>20.00</u>
6 14	l. <u>Commercial mussel fisher, nonresident.....</u>	\$ <u>2,500.00</u>
6 15	m. <u>Commercial mussel helper, resident.....</u>	\$ <u>50.00</u>
6 16	n. <u>Commercial mussel helper, nonresident.....</u>	\$ <u>200.00</u>
6 17	i. <u>Commercial turtle helper, resident.....</u>	\$ <u>50.00</u>
6 18	j. <u>Commercial turtle helper, nonresident.....</u>	\$ <u>100.00</u>
6 19	k. <u>Commercial turtle buyer, resident.....</u>	\$ <u>250.00</u>
6 20	l. <u>Commercial turtle buyer, nonresident.....</u>	\$ <u>500.00</u>
6 21	7. <u>5. Commercial fish gear tags are required on the</u>	
6 22	following units of commercial fishing gear at the listed fee:	
6 23	a. Seine, resident, one gear tag for	
6 24	each 100 feet or fraction thereof.....	\$1.00
6 25	b. Seine, nonresident, one gear tag for	
6 26	each 100 feet or fraction thereof.....	\$2.00
6 27	c. Trammel net, resident, one gear tag	
6 28	for each 100 feet or fraction thereof.....	\$1.00
6 29	d. Trammel net, nonresident, one gear	
6 30	tag for each 100 feet or fraction thereof.....	\$2.00
6 31	e. Gill net, resident, one gear tag for	
6 32	each 100 feet or fraction thereof.....	\$1.00
6 33	f. Gill net, nonresident, one gear tag	
6 34	for each 100 feet or fraction thereof.....	\$2.00
6 35	g. Entrapment nets, resident, one	



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7 1 gear tag per net..... \$1.00
 7 2 h. Entrapment nets, nonresident, one
 7 3 gear tag per net..... \$2.00
 7 4 i. Commercial trotline, resident, one
 7 5 gear tag for each 50 hooks or less..... \$1.00
 7 6 j. Commercial trotline, nonresident,
 7 7 one gear tag for each 50 hooks or less..... \$2.00
 7 8 ~~8.~~ 6. Turtle trap gear tags are not interchangeable with
 7 9 other commercial gear. Turtle trap gear tag fees are as
 7 10 follows:
 7 11 a. Commercial turtle trap, resident,
 7 12 one gear tag per trap..... \$1.00
 7 13 b. Commercial turtle trap, nonresident,
 7 14 one gear tag per trap..... \$2.00
 7 15 Sec. 5. Section 482.5, Code 2007, is amended to read as
 7 16 follows:
 7 17 482.5 COMMERCIAL GEAR.
 7 18 It is lawful for a person who is legally licensed to
 7 19 harvest commercial fish or turtles to use the commercial
 7 20 ~~fishing~~ gear of a design, construction, size, season, and all
 7 21 other criteria established by the commission for taking those
 7 22 species of fish and turtles designated by the commission by
 7 23 rule.
 7 24 Sec. 6. Section 482.7, Code 2007, is amended to read as
 7 25 follows:
 7 26 482.7 GEAR ATTENDANCE.
 7 27 The A commercial fisher or commercial turtle fisher
 7 28 licensee or a designated operator must be present when lifting
 7 29 commercial gear is operated. A commercial fish helper or
 7 30 commercial turtle helper shall not operate commercial gear
 7 31 except under the direct supervision of the appropriate
 7 32 commercial fisher or commercial turtle fisher. A nonresident
 7 33 commercial turtle helper is licensed only to assist a licensed
 7 34 nonresident commercial turtle fisher. Commercial gear shall
 7 35 be lifted and emptied of catch as provided by the rules of the



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8 1 commission. Constant attendance by the licensee or a
~~8 2 designated operator~~ commercial fisher of seines, trammel nets,
8 3 and gill nets is required when the gear is fished by driving,
8 4 drive-seining, seining, floating, or drifting methods.
8 5 Officers of the commission ~~shall~~ may grant a reasonable
8 6 extension of gear attendance intervals ~~in cases of inclement~~
~~8 7 weather or unsafe conditions~~ only upon the request of a
8 8 commercial fisher or commercial turtle fisher who specifies
8 9 why an extension is necessary.

8 10 Sec. 7. Section 482.8, subsection 1, Code 2007, is amended
8 11 to read as follows:

8 12 1. It is lawful for licensed commercial fishers,
~~8 13 designated operators,~~ and commercial turtle fishers, and
~~8 14 licensed sport trotline fishers~~ to pursue, take, possess, and
8 15 transport any commercial fish or their parts, bait fish,
8 16 turtles, frogs, salamanders, leeches, crayfish, or any other
8 17 aquatic invertebrates for bait unless otherwise prohibited by
8 18 law.

8 19 Sec. 8. Section 482.9, subsection 4, Code 2007, is amended
8 20 to read as follows:

8 21 4. For a person to lift or to fish licensed commercial
8 22 gear of another person, except by the licensee ~~and the~~
~~8 23 licensee's designated operators.~~

8 24 Sec. 9. Section 482.10, Code 2007, is amended to read as
8 25 follows:

8 26 482.10 ~~SALE OF COMMERCIAL FISH.~~

8 27 1. ~~A person possessing a~~ All persons who commercially
8 28 take, attempt to take, possess, process, transport, sell, or
8 29 buy fish or their parts shall possess an appropriate, valid
8 30 commercial fishing license or designated operator's license
~~8 31 may possess and sell any commercial fish, turtles, or~~
~~8 32 freshwater mussels, or their parts, which have been lawfully~~
~~8 33 taken.~~

8 34 a. A commercial fisher license is required to operate
8 35 commercial fishing gear and to take, attempt to take, possess,
9 1 process, transport, or sell any commercial fish, commercial
9 2 turtles, or their parts. A commercial fisher is not permitted
9 3 to buy commercial fish, commercial turtles, or their parts.

9 4 b. A commercial fish helper license is required to assist
9 5 a commercial fisher in operating commercial fishing gear, and
9 6 in taking, attempting to take, possessing, processing, or
9 7 transporting commercial fish, commercial turtles, or their
9 8 parts. A commercial fish helper is not permitted to buy or
9 9 sell commercial fish, commercial turtles, or their parts.

9 10 c. A commercial fish buyer license is required to buy and
9 11 sell commercial fish or their parts. Restaurants; licensed
9 12 premises where alcoholic beverages, wine, or beer are sold or
9 13 consumed under authority of a liquor control license, wine
9 14 permit, or beer permit; and public benefit corporations exempt
9 15 under section 501(c)(3) of the Internal Revenue Code, or any
9 16 successor section, that purchase commercial fish or their
9 17 parts for retail sale and human consumption on their premises
9 18 are not required to obtain a commercial fish buyer license.

9 19 2. All intrastate and interstate shipments of commercial
9 20 fish or turtles must be accompanied by a label which shows the
9 21 name and address of the seller and the kinds and pounds of the



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9 22 catches being sold. ~~Individuals purchasing fish, turtles, or~~
~~9 23 mussels from a commercial fisher, turtle fisher, or mussel~~
~~9 24 fisher need not possess a license.~~
9 25 Sec. 10. Section 482.11, subsections 1 and 3, Code 2007,
9 26 are amended to read as follows:
9 27 1. ~~A person shall not~~ All persons who commercially take,
9 28 attempt to take, possess, or process, transport, sell, or buy
9 29 turtles from the waters of the state without or their parts
9 30 shall possess an appropriate, valid commercial license.
9 31 a. ~~A valid sport fishing~~ commercial turtle fisher license
9 32 entitles a person is required to operate commercial turtle
9 33 fishing gear and to take and, attempt to take, possess a
~~9 34 maximum of one hundred pounds of live turtles or fifty pounds~~
~~9 35 of dressed, process, transport, or sell commercial turtles or~~



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10 1 their parts. ~~The sale of live or dressed turtles is not~~
~~10 2 permitted with a sport fishing license. A commercial turtle~~
10 3 fisher is not permitted to buy commercial turtles or their
10 4 parts. Nonresident turtle fishers shall harvest turtles only
10 5 from the boundary waters.

10 6 b. A commercial turtle helper license is required to ~~take~~
~~10 7 and possess more than one hundred pounds of live or fifty~~
~~10 8 pounds of dressed turtles. The holder of a assist a~~
10 9 commercial turtle license may sell live or dressed fisher in
10 10 operating commercial turtle fishing gear, and in taking,
10 11 attempting to take, possessing, processing, or transporting
10 12 commercial turtles or their parts. A commercial turtle helper
10 13 is not permitted to buy or sell turtles or their parts.

10 14 c. A commercial ~~fishing~~ fisher license ~~or a designated~~
~~10 15 operator's license~~ entitles commercial fishers to operate any
10 16 licensed commercial fishing gear ~~for taking, possessing, or~~
~~10 17 selling~~ and to take, possess, and sell turtles taken with such
10 18 commercial fishing gear.

10 19 d. ~~An individual possessing a valid~~ A commercial turtle
10 20 buyer license ~~may have the assistance of one unlicensed~~
~~10 21 individual in the~~ is required to buy and sell commercial
10 22 taking of turtles or their parts. Restaurants; licensed
10 23 premises where alcoholic beverages, wine, or beer are sold or
10 24 consumed under authority of a liquor control license, wine
10 25 permit, or beer permit; and public benefit corporations exempt
10 26 under section 501(c)(3) of the Internal Revenue Code, or any
10 27 successor section, that purchase commercial turtles for retail
10 28 sale and human consumption on their premises are not required
10 29 to obtain a commercial turtle buyer license.

10 30 3. The method of taking turtles shall only be by hand,
10 31 hook-and-line, turtle hook, turtle trap, licensed commercial
10 32 fishing gear, or other means designated by commission rules.
10 33 ~~Sport fishers may also use hook-and-line in catching turtles.~~

10 34 Sec. 11. Section 482.11, subsection 4, Code 2007, is
10 35 amended by striking the subsection.



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11 1 Sec. 12. Section 482.12, subsection 1, Code 2007, is
11 2 amended by striking the subsection and inserting in lieu
11 3 thereof the following:

11 4 1. A commercial fisher license or commercial fish helper
11 5 license permits the licensee to take or possess up to
11 6 twenty=four whole freshwater mussels or forty=eight mussel
11 7 shell halves. A commercial fisher license or commercial fish
11 8 helper license does not permit the licensee to buy or sell
11 9 mussels or mussel shells.

11 10 Sec. 13. Section 482.14, Code 2007, is amended to read as
11 11 follows:

11 12 482.14 REPORTS REQUIRED.

11 13 1. All commercial fishers, and commercial turtle fishers,
~~11 14 commercial mussel fishers, and commercial mussel buyers~~ shall
11 15 submit a monthly report supplying all information requested on
11 16 forms furnished by the commission. Reports must be received
11 17 by the commission no later than the fifteenth day of the
11 18 following month.

11 19 2. Commercial fish buyers and commercial turtle buyers
11 20 shall maintain accurate records of all their transactions.
11 21 The records shall contain the number, weight, and species of
11 22 fish or turtles purchased, the name and address of the seller,
11 23 and the county or pools where the fish or turtles were taken.
11 24 The records shall be updated within seventy=two hours of each
11 25 transaction. Each buyer shall submit a monthly report
11 26 supplying all information requested on forms furnished by the
11 27 commission. Reports must be received by the commission no
11 28 later than the fifteenth day of the following month.

11 29 3. Commercial fish buyers and commercial turtle buyers
11 30 shall utilize a two=part receipt for each purchase of
11 31 commercial species. One copy of the receipt shall be kept by
11 32 the commercial buyer and one copy of the receipt shall be
11 33 given to the person selling the commercial species.
11 34 Commercial buyers and sellers shall each retain their copies
11 35 of the receipts for five years following the date of the



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12 1 transaction.

12 2 4. Facilities and records of commercial fish buyers and
12 3 commercial turtle buyers shall be open at all reasonable times
12 4 for inspection by any conservation officer.

12 5 Sec. 14. Section 483A.1, subsection 1, Code 2007, is
12 6 amended by adding the following new paragraph:

12 7 NEW PARAGRAPH. u. Boundary waters sport trotline,
12 8 annual..... \$ 20.50

12 9 Sec. 15. Section 483A.1, subsection 2, Code 2007, is
12 10 amended by adding the following new paragraph:

12 11 NEW PARAGRAPH. w. Boundary waters sport trotline,
12 12 annual..... \$ 40.50

12 13 Sec. 16. Section 483A.1A, Code 2007, is amended by adding
12 14 the following new subsection:

12 15 NEW SUBSECTION. 0A. "Boundary waters" means the waters of
12 16 the Mississippi, Missouri, and Big Sioux rivers.

12 17 Sec. 17. NEW SECTION. 483A.28 NONCOMMERCIAL HARVEST OF
12 18 AQUATIC SPECIES.

12 19 1. A boundary waters annual sport trotline license
12 20 entitles the licensee to use a maximum of four trotlines with
12 21 two hundred hooks in the aggregate, only on boundary waters.
12 22 All boundary waters sport trotlines shall be tagged with the
12 23 name and address of the licensee on a weather-resistant tag
12 24 provided by the licensee and affixed above the waterline. A
12 25 boundary waters sport trotline licensee is not permitted to
12 26 sell fish or turtles taken pursuant to the license.

12 27 2. A valid fishing license issued pursuant to this chapter
12 28 entitles the licensee to take and possess a maximum of one
12 29 hundred pounds of live turtles or fifty pounds of dressed
12 30 turtles. Any unattended fishing gear used to take turtles
12 31 pursuant to a fishing license shall be tagged with the name
12 32 and address of the licensee on a weather-resistant tag
12 33 provided by the licensee and affixed above the waterline. A
12 34 fishing licensee is not permitted to sell live or dressed
12 35 turtles taken pursuant to the license.



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13 1 3. A valid fishing license issued pursuant to this chapter
13 2 entitles the licensee to take and possess a maximum amount of
13 3 mussels or shells daily as authorized by rule of the
13 4 department or commission under the authority of sections
13 5 456A.24, 481A.38, 481A.39, and 482.1. A fishing licensee is
13 6 not permitted to sell freshwater mussels or shells taken
13 7 pursuant to the license.

13 8 Sec. 18. Section 805.8B, subsection 3, paragraph n, Code
13 9 2007, is amended to read as follows:

13 10 n. For violations of section 482.11 relating to turtles+
13 11 ~~(1) For commercial turtle violations, the scheduled fine~~
13 12 is one hundred dollars.

13 13 ~~(2) For sport turtle violations, the scheduled fine is~~
~~13 14 fifty dollars.~~

13 15 Sec. 19. Section 805.8B, subsection 3, paragraph o, Code
13 16 2007, is amended to read as follows:

13 17 o. For violations of section 482.12 relating to mussels+
13 18 ~~(1) For commercial mussel violations, the scheduled fine~~
13 19 is one hundred dollars.

13 20 ~~(2) For sport mussel violations, the scheduled fine is~~
~~13 21 fifty dollars.~~

13 22 Sec. 20. Section 805.8B, subsection 3, Code 2007, is
13 23 amended by adding the following new paragraph:

13 24 NEW PARAGRAPH. qq. For violations of section 483A.28,
13 25 other than license violations, the scheduled fine is twenty=
13 26 five dollars.

EXPLANATION

13 27
13 28 This bill relates to the regulation under Code chapter 482
13 29 of the harvesting of commercial fish, turtles, and freshwater
13 30 mussels by residents and nonresidents and provides for license
13 31 fees and penalties.

13 32 The bill requires a person involved in taking, attempting
13 33 to take, possessing, selling, or buying commercial fish or
13 34 turtles to obtain an appropriate, valid commercial license. A
13 35 commercial fisher licensee, operating commercial fishing gear,



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14 1 is allowed to take and sell commercial turtles. Commercial
14 2 fisher licensees and commercial turtle licensees are allowed
14 3 to take any commercial fish, bait fish, turtles, frogs,
14 4 salamanders, leeches, crayfish, or any other aquatic
14 5 invertebrates for bait unless otherwise prohibited by law.
14 6 A commercial fisher or commercial turtle fisher licensee is
14 7 not permitted to buy commercial fish or turtles. Nonresident
14 8 turtle fishers are permitted to harvest turtles only from the
14 9 boundary waters, that is, the waters of the Mississippi,
14 10 Missouri, and Big Sioux rivers.
14 11 In addition, commercial turtle fisher license fees are
14 12 increased from \$50 to \$200 for residents and from \$100 to \$400
14 13 for nonresidents.
14 14 Licenses are required for commercial fish helpers or turtle
14 15 helpers to assist a commercial fisher or turtle fisher in
14 16 operation of the appropriate commercial gear and in taking,
14 17 attempting to take, possessing, processing, or transporting
14 18 commercial fish or turtles. A commercial fish helper or
14 19 turtle helper is not permitted to buy or sell commercial fish
14 20 or turtles respectively.
14 21 The commercial fish helper licenses are in lieu of the
14 22 designated operator licenses that were previously available at
14 23 \$50 for residents and \$100 for nonresidents. The new
14 24 commercial turtle helper licenses are also \$50 for residents
14 25 and \$100 for nonresidents.
14 26 Licenses are required for commercial fish buyers or turtle
14 27 buyers to buy and sell commercial fish or turtles. A
14 28 restaurant, licensed premises where alcoholic beverages, wine,
14 29 or beer are sold or consumed, or a nonprofit corporation may
14 30 buy commercial fish or turtles for retail sale and human
14 31 consumption on their premises without purchasing a fish or
14 32 turtle buyer license.
14 33 The new commercial fish buyer and turtle buyer licenses
14 34 cost \$250 for residents and \$500 for nonresidents.
14 35 Commercial mussel fisher, commercial mussel helper, and



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Senate File 250 - Introduced continued

15 1 commercial mussel buyer licenses are no longer available for
15 2 residents or nonresidents. A commercial fisher or commercial
15 3 fish helper licensee is permitted to take or possess up to 24
15 4 whole freshwater mussels or 48 mussel shell halves, but such a
15 5 licensee is not permitted to buy or sell freshwater mussels or
15 6 shells.

15 7 The bill provides that a commercial fisher or turtle fisher
15 8 must be present when commercial gear is being operated. A
15 9 commercial fish helper or turtle helper is not permitted to
15 10 operate commercial gear except under the direct supervision of
15 11 the appropriate commercial fisher or turtle fisher. A
15 12 nonresident commercial turtle helper is licensed only to
15 13 assist a licensed nonresident commercial turtle fisher. A
15 14 commercial fisher must be present when certain specified
15 15 commercial gear is in use. The natural resource commission
15 16 may grant a reasonable extension of gear attendance intervals
15 17 only upon the request of a commercial fisher or turtle fisher
15 18 who specifies why an extension is necessary.

15 19 The bill requires all commercial fishers and turtle fishers
15 20 to submit a monthly report supplying all information requested
15 21 by the natural resource commission.

15 22 The bill requires all commercial fish buyers or turtle
15 23 buyers to maintain accurate records of all their transactions,
15 24 including specified information, updated within 72 hours of
15 25 each transaction, and submitted monthly to the natural
15 26 resource commission.

15 27 The bill also requires commercial fish and turtle buyers to
15 28 use a two-part receipt, with the buyer and seller each
15 29 retaining a copy of the receipt for five years following the
15 30 transaction. Facilities and records of such buyers must be
15 31 open at all reasonable times for inspection by conservation
15 32 officers.

15 33 The penalty for a violation of the commercial fishing
15 34 provisions contained in Code chapter 482 is a scheduled fine
15 35 of \$100 unless another fine is otherwise specified.



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Senate File 250 - Introduced continued

16 1 The bill moves language concerning boundary waters sport
16 2 trotline licenses from Code chapter 482 to Code chapter 483A
16 3 and increases the annual fee for such a license from \$10 to
16 4 \$20 for residents and from \$20 to \$40 for nonresidents.
16 5 The bill moves language concerning the use of boundary
16 6 waters sports trotline licenses from Code section 482.4 to new
16 7 Code section 483A.28 and allows such a licensee to use a
16 8 maximum of four trotlines with 200 hooks in the aggregate,
16 9 only on boundary waters, which are properly tagged with the
16 10 licensee's name and address. A boundary waters sport trotline
16 11 licensee is not permitted to sell fish or turtles taken
16 12 pursuant to the license.
16 13 The bill moves language concerning the taking and
16 14 possessing of turtles with a sport fishing license from Code
16 15 section 482.11 to new Code section 483A.28 and allows such a
16 16 licensee to take and possess a maximum of 100 pounds of live
16 17 turtles or 50 pounds of dressed turtles, using fishing gear
16 18 that is properly tagged with the licensee's name and address.
16 19 A sport fishing licensee is not permitted to sell live or
16 20 dressed turtles taken pursuant to the license.
16 21 The bill also moves language concerning the taking and
16 22 possessing of mussels or shells with a sport fishing license
16 23 from Code section 482.12 to new Code section 483A.28 and
16 24 allows such a licensee to take and possess a maximum amount of
16 25 mussels or shells daily as is authorized by the natural
16 26 resource commission by rule. A sport fishing licensee is not
16 27 permitted to sell mussels or shells taken pursuant to the
16 28 license.
16 29 The penalty for unlawfully taking turtles or mussels with a
16 30 sport fishing license under new Code section 483A.28 is a
16 31 scheduled fine of \$50 for residents and \$70 for nonresidents
16 32 pursuant to Code section 805.8B, subsection 3, paragraph "p".
16 33 Previously, the scheduled fine for sport turtle or sport
16 34 mussel violations was \$50 for residents and nonresidents. The
16 35 bill adds a new paragraph to Code section 805.8B, subsection



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Senate File 250 - Introduced continued

17 1 3, providing that for violations of new Code section 483A.28,
17 2 other than license violations, the scheduled fine is \$25.
17 3 This language is similar to the penalty for gear tag
17 4 violations involving commercial licenses that is contained in
17 5 Code section 805.8B, subsection 3, paragraph "m", and is also
17 6 a scheduled fine of \$25.
17 7 LSB 1406SV 82
17 8 av:nh/je/5



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Senate File 251 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1135)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

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



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Senate File 251 - Introduced continued

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

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

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

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

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

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



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

2 7 EXPLANATION

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

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



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



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Senate File 252 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 52)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to services for which reimbursement may be
- 2 provided under a medical assistance home and community-based
- 3 services waiver for the elderly.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2039SV 82
- 6 pf/es/88



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Senate File 252 - Introduced continued

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1 1 Section 1. NEW SECTION. 249A.30B HOME AND COMMUNITY=
1 2 BASED SERVICES WAIVER == ELDERLY == REIMBURSEMENT.
1 3 The reimbursement for a provider of services under a
1 4 medical assistance program home and community-based services
1 5 waiver for the elderly shall be recalculated annually on July
1 6 1. The annual inflation factor applied shall be determined
1 7 based on the total skilled nursing facility market basket
1 8 index utilized by the centers for Medicare and Medicaid
1 9 services of the United States department of health and human
1 10 services.

1 11 EXPLANATION
1 12 This bill provides that the reimbursement for providers of
1 13 services under a medical assistance home and community-based
1 14 services waiver for the elderly is to be recalculated annually
1 15 on July 1. The annual inflation factor applied is to be
1 16 determined based on the skilled nursing facility market basket
1 17 index utilized by the centers for Medicare and Medicaid
1 18 services of the United States department of health and human
1 19 services.
1 20 LSB 2039SV 82
1 21 pf:rj/es/88



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Senate File 253 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1112)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act regulating the administration of drugs to certain
- 2 noncaptive vertebrate wildlife and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1408SV 82
- 5 av/je/5



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Senate File 253 - Introduced continued

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1 1 Section 1. NEW SECTION. 481A.40 USE OF DRUGS ON
1 2 NONCAPTIVE VERTEBRATE WILDLIFE == PENALTY.
1 3 1. For the purposes of this section, "drug" means any
1 4 chemical substance, other than food, that affects the
1 5 structure or biological function of any noncaptive vertebrate
1 6 wildlife species.
1 7 2. Except with written authorization from the director or
1 8 the director's designee or as otherwise provided by law, a
1 9 person shall not administer any drug to any noncaptive
1 10 vertebrate wildlife, including but not limited to drugs used
1 11 for fertility control, disease prevention or treatment,
1 12 immobilization, or growth stimulation.
1 13 3. This section does not prohibit the treatment of sick or
1 14 injured wildlife by a licensed veterinarian or holder of a
1 15 wildlife rehabilitation permit.
1 16 4. This section shall not be construed to limit employees
1 17 of agencies of the state, the United States, or local animal
1 18 control officers, licensed animal shelters, or licensed pounds
1 19 in the performance of their official duties related to public
1 20 health, wildlife management, or wildlife removal. However, a
1 21 drug shall not be administered by any person for fertility
1 22 control or growth stimulation except as provided in subsection
1 23 2.
1 24 5. An officer of the department may take possession of or
1 25 dispose of any noncaptive vertebrate wildlife that the officer
1 26 reasonably believes has been administered drugs in violation
1 27 of this section.
1 28 6. A person who violates this section is guilty of a
1 29 serious misdemeanor.

1 30 EXPLANATION

1 31 This bill relates to the administration of drugs to certain
1 32 noncaptive vertebrate wildlife. For the purposes of the bill,
1 33 "drug" means any chemical substance, other than food, that
1 34 affects the structure or biological function of any noncaptive
1 35 vertebrate wildlife species.



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2 1 The bill prohibits the administration of drugs to any
2 2 noncaptive vertebrate wildlife for any purpose, including but
2 3 not limited to fertility control, disease prevention or
2 4 treatment, immobilization, or growth stimulation, except with
2 5 written authorization from the department of natural resources
2 6 or as otherwise provided by law.

2 7 The bill does not prohibit a licensed veterinarian or
2 8 holder of a wildlife rehabilitation permit from treating sick
2 9 or injured wildlife. The bill also does not prohibit
2 10 government employees, local animal control officers, licensed
2 11 animal shelters, or licensed pounds from carrying out their
2 12 official duties related to public health, wildlife management,
2 13 or wildlife removal.

2 14 The bill authorizes an officer of the department to take
2 15 possession of and dispose of any noncaptive vertebrate
2 16 wildlife that the officer reasonably believes has been
2 17 administered drugs in violation of the bill.

2 18 A person who violates the provisions of the bill is guilty
2 19 of a serious misdemeanor. A serious misdemeanor is punishable
2 20 by confinement for no more than one year and a fine of at
2 21 least \$315 but not more than \$1,875.

2 22 LSB 1408SV 82

2 23 av:rj/je/5



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Senate File 254 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1153)

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Approved

Passed House, Date _____

Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act revising family investment program requirements.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1247SV 82
- 4 jp/gg/14



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Senate File 254 - Introduced continued

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1 1 DIVISION I

1 2 GENERAL FAMILY INVESTMENT PROGRAM CHANGES

1 3 Section 1. Section 239B.1, subsection 10, Code 2007, is

1 4 amended to read as follows:

1 5 10. "Participant" means a person who is receiving full or

1 6 partial family investment program assistance. For the

1 7 purposes of sections 239B.8 and 239B.9, "participant" also

1 8 includes each individual who does not directly receive

1 9 assistance but who is required to be engaged in work or

1 10 training options specified in the participant's family

1 11 investment agreement entered into under section 239B.8.

1 12 Sec. 2. Section 239B.4, subsection 1, Code 2007, is

1 13 amended to read as follows:

1 14 1. The department is the state entity designated to

1 15 administer federal funds received for purposes of the family

1 16 investment program and the JOBS program under this chapter,

1 17 including, but not limited to, the funding received under the

1 18 federal temporary assistance for needy families block grant as

1 19 authorized under the federal Personal Responsibility and Work

1 20 Opportunity Reconciliation Act of 1996, Pub. L. No. 104=193,

1 21 as reauthorized under the federal Deficit Reduction Act of

1 22 2005, Pub. L. No. 109=171, and as codified in 42 U.S.C. } 601

1 23 et seq., and as such is the lead agency in preparing and

1 24 filing state plans, state plan amendments, and other reports

1 25 required by federal law.

1 26 Sec. 3. Section 239B.7, subsection 1, Code 2007, is

1 27 amended to read as follows:

1 28 1. WORK EXPENSE DEDUCTION. If an individual's earned

1 29 income is considered by the department, the individual shall

1 30 be allowed a work expense deduction equal to twenty percent of

1 31 the earned income. The work expense deduction is intended to

1 32 include all work-related expenses other than child care.

1 33 These expenses shall include but are not limited to all of the

1 34 following: taxes, transportation, meals, uniforms, and other

1 35 work-related expenses. ~~However, the work expense deduction~~



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Senate File 254 — Introduced continued

~~2 1 shall not be allowed for an individual who is subject to a
2 2 sanction for failure to comply with family investment program
2 3 requirements.~~

2 4 Sec. 4. Section 239B.7, subsection 5, Code 2007, is
2 5 amended to read as follows:

2 6 5. INCOME CONSIDERATION. If an individual has timely
2 7 reported an absence of income to the department, consideration
2 8 of the individual's income shall cease beginning in the first
2 9 month the income is absent. ~~However, this provision shall not
2 10 apply to an individual who has quit employment without good
2 11 cause as defined in rules.~~

2 12 Sec. 5. Section 239B.8, subsection 2, Code 2007, is
2 13 amended to read as follows:

2 14 2. AGREEMENT OPTIONS. A family investment agreement shall
2 15 require an individual who is subject to the agreement to
2 16 ~~participate~~ engage in one or more of the work or training
2 17 ~~options enumerated in this subsection.~~ An individual's level
2 18 of ~~participation~~ engagement in one or more of the work or
2 19 training options shall be equivalent to the level of
2 20 commitment required for full-time employment or shall be
2 21 significant so as to move the individual's level of
2 22 participation engagement toward that level. The department
2 23 shall adopt rules ~~for each option~~ defining option requirements
2 24 and establishing assistance provisions for child care,
2 25 transportation, and other support services. A leave from
2 26 engagement in work or training options shall be offered to a
2 27 participant parent to address the birth of a child. If such a
2 28 leave is requested by the parent, the leave shall meet the
2 29 childbirth purpose standard and the combined duration of the
2 30 leave shall not exceed the minimum leave duration, as outlined
2 31 in the federal Family and Medical Leave Act of 1993, } 102(a)
2 32 and (b)(1), as codified in 29 U.S.C. } 2612(a) and (b)(1).
2 33 The terms of the leave shall be incorporated into the family
2 34 investment agreement. The work or training options shall
2 35 include but are not limited to all of the following:



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Senate File 254 - Introduced continued

- 3 1 a. Employment. Full-time or part-time employment.
3 2 b. Employment search. Active job search.
3 3 c. JOBS. Participation in the JOBS program.
3 4 d. Education. Participation in other education or
3 5 training programming.
3 6 e. Family development. Participation in a family
3 7 development and self-sufficiency grant program under section
3 8 217.12 or other family development program.
3 9 f. Work experience. Work experience placement.
3 10 g. Community service. Unpaid community service.
3 11 Community service shall be authorized in any nonprofit
~~3 12 association which has been determined under section 501(c)(3)~~
~~3 13 of the Internal Revenue Code to be exempt from taxation or in~~
~~3 14 any government agency. Upon request, the department shall~~
~~3 15 provide a listing of potential community service placements to~~
~~3 16 an individual. However, an individual shall locate the~~
~~3 17 individual's own placement and perform the number of hours~~
~~3 18 required by the agreement. The individual shall file a~~
~~3 19 monthly report with the department which is signed by the~~
~~3 20 director of the community service placement verifying the~~
~~3 21 community service hours performed by the individual during~~
~~3 22 that month. The department shall develop a form for this~~
~~3 23 purpose.~~
3 24 h. ~~Any other~~ Parenting skills. Participation in an
3 25 arrangement which would strengthen the individual's ability to
3 26 be a better parent, including but not limited to participation
3 27 in a parenting education program. ~~Parental leave from~~
~~3 28 employment shall be authorized for a parent of a child who is~~
~~3 29 less than three months of age. An opportunity to participate~~
~~3 30 in a parental education program shall also be authorized for~~
~~3 31 such a parent. An individual who is not a parent who is~~
~~3 32 nineteen years of age or younger or a parent of a child who is~~
~~3 33 less than three months of age shall simultaneously participate~~
~~3 34 in at least one other option enumerated in this subsection.~~
3 35 i. Family or domestic violence. Participation in a safety



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Senate File 254 - Introduced continued

4 1 plan to address or prevent family or domestic violence. The
4 2 safety plan may include a temporary waiver period from
4 3 required participation in the JOBS program or other
4 4 employment-related activities, as appropriate for the
4 5 situation of the applicant or participant. All applicants and
4 6 participants shall be informed regarding the existence of this
4 7 option. Participation in this option shall be subject to
4 8 review in accordance with administrative rule.

4 9 j. Incremental family investment agreements. If an
4 10 individual participant or the entire family has an
4 11 acknowledged barrier, the ~~individual's or family's~~ plan for
4 12 self-sufficiency may be specified in one or more incremental
4 13 family investment agreements.

4 14 DIVISION II
4 15 FAMILY INVESTMENT PROGRAM WORK INCENTIVE
4 16 DISREGARD

4 17 Sec. 6. Section 239B.7, subsection 2, Code 2007, is
4 18 amended to read as follows:

4 19 2. WORK=AND=EARN INCENTIVE. If an individual's earned
4 20 income is considered by the department, the individual shall
4 21 be allowed a work=and=earn incentive. The incentive shall be
4 22 equal to ~~fifty~~ fifty-eight percent of the amount of earned
4 23 income remaining after all other deductions are applied. The
4 24 department shall disregard the incentive amount when
4 25 considering the earned income available to the individual.
4 26 The incentive shall not have a time limit. The work=and=earn
4 27 incentive shall not be withdrawn as a penalty for failure to
4 28 comply with family investment program requirements.

4 29 EXPLANATION
4 30 This bill revises provisions administered by the department
4 31 of human services (DHS) under Code chapter 239B involving the
4 32 family investment program (FIP).

4 33 GENERAL FAMILY INVESTMENT PROGRAM CHANGES. This division
4 34 relates to general FIP changes. Code section 239B.1,
4 35 providing definitions for FIP, is amended to expand the



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Senate File 254 - Introduced continued

5 1 definition of the term "participant". Current law limits the
5 2 term to persons who receive full or partial FIP assistance.
5 3 The bill provides that for purposes of Code section 239B.8,
5 4 relating to family investment agreements, and Code section
5 5 239B.9, relating to limited benefit plans, the term also
5 6 refers to each individual who does not receive FIP cash
5 7 assistance directly but is required to be engaged in work or
5 8 training options under a family investment agreement.
5 9 Code section 239B.4, relating to the role of DHS regarding
5 10 FIP, is amended to update citations to the federal law
5 11 providing the federal funding for the program. This federal
5 12 law, known as the Temporary Assistance for Needy Families, or
5 13 TANF Block Grant, was reauthorized as part of the federal
5 14 Deficit Reduction Act of 2005.
5 15 Code section 239B.7, relating to income and resource
5 16 exemptions, deductions, and disregards used to determine FIP
5 17 program eligibility, is amended. The bill eliminates a
5 18 prohibition against allowing a work expense deduction for an
5 19 individual who is subject to a certain type of sanction. The
5 20 bill also eliminates an exception in a provision addressing
5 21 when a timely reported loss of income is considered.
5 22 Code section 239B.8, relating to family investment
5 23 agreement requirements, is amended in conformance with the
5 24 definition amendment made in Code section 239B.1. Terminology
5 25 is modified to utilize "engage" and "engagement" in place of
5 26 "participate" and "participation" when referring to required
5 27 involvement with an option.
5 28 Code section 239B.8 is also amended to clarify that
5 29 parental leave in the event of childbirth must conform to the
5 30 childbirth purpose standard and limit the duration of the
5 31 leave to the minimum duration outlined in the federal Family
5 32 and Medical Leave Act of 1993. The federal law requires that
5 33 the purpose of the leave is to care for a newborn son or
5 34 daughter, specifies a minimum period of 12 weeks within the
5 35 12-month period following the birth, and allows the leave



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6 1 period to be taken intermittently within the 12-month period.
6 2 These provisions replace current law which authorizes as part
6 3 of an agreement option parental leave for a parent of a child
6 4 who is less than three months in age in combination with an
6 5 opportunity for parental education.
6 6 Code section 239B.8 is also amended to delete specific
6 7 requirements under the agreement option for performing unpaid
6 8 community service.
6 9 FAMILY INVESTMENT PROGRAM WORK INCENTIVE DISREGARD. This
6 10 division increases the amount of the FIP work=and=earn
6 11 incentive applied under Code section 239B.7 as part of FIP
6 12 eligibility determination from 50 to 58 percent. Under the
6 13 incentive, the indicated percentage of earned income remaining
6 14 after other deductions have been applied is disregarded.
6 15 LSB 1247SV 82
6 16 jp:nh/gg/14



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Senate File 255 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1224)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for an increase in the wildlife habitat fee,
- 2 making an appropriation, and creating a game bird habitat
- 3 development program.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2216SV 82
- 6 av/je/5



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Senate File 255 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.1, subsection 1, paragraph q, Code
 1 2 2007, is amended to read as follows:
 1 3 q. Wildlife habitat fee \$ ~~8.00~~ 11.00
 1 4 Sec. 2. Section 483A.1, subsection 2, paragraph r, Code
 1 5 2007, is amended to read as follows:
 1 6 r. Wildlife habitat fee \$ ~~8.00~~ 11.00
 1 7 Sec. 3. Section 483A.3, Code 2007, is amended by adding
 1 8 the following new subsection:
 1 9 NEW SUBSECTION. 3. Notwithstanding subsections 1 and 2,
 1 10 any increase in revenues received on or after July 1, 2007,
 1 11 pursuant to this section as a result of fee increases pursuant
 1 12 to this Act, shall be used by the commission only for the
 1 13 purpose of the game bird habitat development program as
 1 14 provided in section 483A.3B. The commission shall not reduce
 1 15 on an annual basis for these purposes the amount of other
 1 16 funds being expended as of July 1, 2007.
 1 17 Sec. 4. NEW SECTION. 483A.3B GAME BIRD HABITAT
 1 18 DEVELOPMENT PROGRAMS.
 1 19 1. ALLOCATION OF REVENUE == ACCOUNTS. All revenue
 1 20 collected from increases in wildlife habitat fees as provided
 1 21 in section 483A.3, subsection 3, that is deposited in the
 1 22 state fish and game protection fund shall be allocated as
 1 23 follows:
 1 24 a. Two dollars of each wildlife habitat fee collected
 1 25 shall be allocated to the game bird wetlands conservation
 1 26 account.
 1 27 b. One dollar of each wildlife habitat fee collected shall
 1 28 be allocated to the game bird buffer strip assistance account.
 1 29 c. Notwithstanding section 12C.7, subsection 2, interest
 1 30 or earnings on moneys collected from wildlife habitat fees
 1 31 that are deposited in each account created under this section
 1 32 shall be credited to that account. Notwithstanding section
 1 33 8.33 or section 456A.17, moneys credited to each account
 1 34 created under this section shall not revert to the state
 1 35 general fund at the close of a fiscal year.



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2 1 d. All revenue generated by increases in the wildlife
2 2 habitat fee as provided in section 483A.3, subsection 3, shall
2 3 be used as provided in this section, except for that part
2 4 which is specified by the department for use in paying
2 5 administrative expenses as provided in section 456A.17.

2 6 2. GAME BIRD WETLANDS CONSERVATION PROGRAM.

2 7 a. All moneys allocated to the game bird wetlands
2 8 conservation account shall be used by the department only to
2 9 carry out the purposes of the game bird wetlands conservation
2 10 program and shall be used in addition to funds already being
2 11 expended by the department each year for wetlands conservation
2 12 purposes.

2 13 b. The purpose of the game bird wetlands conservation
2 14 program is to create a sustained source of revenue to be used
2 15 by the department to qualify for federal matching funds that
2 16 are available for wetlands conservation under the federal
2 17 North American Wetlands Conservation Act program, 16 U.S.C. }
2 18 4401-4414, and to undertake projects in conjunction with soil
2 19 and water conservation districts, county conservation boards,
2 20 and other partners that will aid in wetlands and associated
2 21 habitat conservation in the state, including the acquisition,
2 22 restoration, maintenance, or preservation of wetlands and
2 23 associated upland habitat.

2 24 c. (1) All moneys that are allocated to the game bird
2 25 wetlands conservation account shall accumulate in the account
2 26 until the account balance is equal to one million dollars or
2 27 an amount sufficient to be used by the department to qualify
2 28 for federal matching funds. Each time the account balance
2 29 reaches an amount sufficient to be used by the department to
2 30 qualify for federal matching funds, the department shall apply
2 31 for such matching funds, and upon obtaining such funds, shall
2 32 expend the state and federal revenues available at that time
2 33 to undertake projects as set forth in paragraph "b".

2 34 (2) Additional moneys that are generated by game bird
2 35 wildlife habitat fees and allocated to the game bird wetlands



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3 1 conservation account shall again accumulate in the account,
3 2 and each time the account balance is equal to one million
3 3 dollars or an amount sufficient to be used by the department
3 4 to qualify for federal matching funds, the department shall
3 5 again apply for federal matching funds, and upon obtaining
3 6 such funds, shall expend the state and federal revenues
3 7 available at that time to undertake projects as set forth in
3 8 paragraph "b".

3 9 d. The department shall use all state revenue and federal
3 10 matching funds obtained under the federal North American
3 11 Wetlands Conservation Act to undertake the purposes of the
3 12 game bird wetlands conservation program as set forth in
3 13 paragraph "b". State revenue allocated to the account shall
3 14 be used by the department only for projects that increase
3 15 public recreational hunting opportunities in the state and
3 16 shall not be used for projects on private land that is not
3 17 accessible to the public for recreational hunting.

3 18 3. GAME BIRD BUFFER STRIP ASSISTANCE PROGRAM.

3 19 a. All moneys allocated to the game bird buffer strip
3 20 assistance account shall be used by the department only to
3 21 carry out the purposes of the game bird buffer strip
3 22 assistance program and shall be used in addition to funds
3 23 already being expended by the department each year for such
3 24 purposes. The department shall not reduce the amount of other
3 25 funds being expended for these purposes as of July 1, 2007.

3 26 b. The purpose of the game bird buffer strip assistance
3 27 program is to increase landowner participation in federally
3 28 funded conservation programs that benefit game birds and to
3 29 increase opportunities for recreational hunting on private
3 30 lands. To the extent possible, moneys allocated to the game
3 31 bird buffer strip assistance account shall be used in
3 32 conjunction with and to qualify for additional funding from
3 33 private conservation organizations and other state and federal
3 34 agencies to accomplish the purposes of the program. The funds
3 35 may be used to provide private landowners with cost-sharing



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4 1 assistance for habitat improvement practices on projects that
4 2 are not eligible for federal programs or where federal funding
4 3 for such projects is not adequate. The department may utilize
4 4 the funds to provide marketing and outreach efforts to
4 5 landowners in order to maximize landowners' use of federal
4 6 conservation programs. The department may coordinate such
4 7 marketing and outreach efforts with soil and water
4 8 conservation districts and other partners.

4 9 c. (1) All moneys that are allocated to the game bird
4 10 buffer strip assistance account shall accumulate in the
4 11 account for a period of five years. At the end of the five=
4 12 year period, the moneys in the account shall be used by the
4 13 department to carry out the purposes of the game bird buffer
4 14 strip assistance program as set forth in paragraph "b". The
4 15 department shall, by rule pursuant to chapter 17A, establish
4 16 eligibility requirements for the program and procedures for
4 17 applications for and approval of projects to be funded under
4 18 the program. The department shall expend moneys from the
4 19 account only for projects on private land that is accessible
4 20 to the public for recreational hunting.

4 21 (2) Additional moneys that are generated by game bird
4 22 wildlife habitat fees and allocated to the game bird buffer
4 23 strip assistance account shall accumulate in the account and
4 24 shall be used by the department every five years as set forth
4 25 in subparagraph (1).

4 26 4. DEFINITION. As used in this section, "game bird" means
4 27 a pheasant or a quail.

4 28 EXPLANATION

4 29 This bill increases the wildlife habitat fee by \$3,
4 30 appropriates the increase in moneys collected, and creates
4 31 programs to expend the moneys for game bird habitat
4 32 development.

4 33 The bill provides that all increases in wildlife habitat
4 34 fees collected shall be forwarded by the department of natural
4 35 resources to the treasurer of state for placement in the state



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5 1 fish and game protection fund and are appropriated to the
5 2 department to be used solely for the purposes set forth in the
5 3 bill.

5 4 Revenue deposited in the state fish and game protection
5 5 fund is allocated by the bill into two separate accounts, with
5 6 \$2 of each fee collected to be allocated to the game bird
5 7 wetlands conservation account and \$1 of each fee collected to
5 8 be allocated to the game bird buffer strip assistance account.
5 9 Interest or earnings on moneys contained in each account must
5 10 be credited to the account, and moneys in each account do not
5 11 revert to the general fund at the close of the fiscal year.

5 12 Moneys allocated to the game bird wetlands conservation
5 13 account by the bill must be used by the department only to
5 14 carry out the purposes of the game bird wetlands conservation
5 15 program, which are to create a sustained source of revenue to
5 16 be used by the department to qualify for federal matching
5 17 funds that are available for wetlands conservation under the
5 18 federal North American Wetlands Conservation Act and to
5 19 undertake projects in conjunction with soil and water
5 20 conservation districts, county conservation boards, and other
5 21 partners that will aid in wetlands and associated habitat
5 22 conservation in the state, including the acquisition,
5 23 restoration, maintenance, or preservation of wetlands and
5 24 associated habitat.

5 25 The bill provides that moneys that are allocated to the
5 26 game bird wetlands conservation account shall accumulate in
5 27 the account until the account balance is equal to \$1 million
5 28 or an amount sufficient to be used by the department to
5 29 qualify for federal matching funds. Each time the account
5 30 balance reaches the necessary amount, the department is
5 31 required to apply for such matching funds, and upon obtaining
5 32 those funds, expend the state and federal revenues available
5 33 to carry out the purposes of the game bird wetlands
5 34 conservation program. The bill provides that state revenue
5 35 allocated to the account shall be used for projects that



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6 1 increase public recreational hunting opportunities in the
6 2 state and shall not be used on private land that is not
6 3 accessible to the public for recreational hunting.

6 4 Moneys allocated to the game bird buffer strip assistance
6 5 account must be used by the department only to carry out the
6 6 purpose of the game bird buffer strip assistance program,
6 7 which is to increase landowner participation in federally
6 8 funded conservation programs that benefit game birds and to
6 9 increase opportunities for recreational hunting on private
6 10 lands.

6 11 The bill provides that moneys allocated to the game bird
6 12 buffer strip assistance account shall accumulate in the
6 13 account for five years and then be used by the department to
6 14 carry out the purposes of the game bird buffer strip
6 15 assistance program. The department is required to adopt rules
6 16 to establish eligibility requirements and procedures for
6 17 applications for and approval of projects to be funded under
6 18 the program. The process is then repeated every five years
6 19 using funds that have accumulated in the account.

6 20 For purposes of the bill, a "game bird" is a pheasant or a
6 21 quail.

6 22 LSB 2216SV 82

6 23 av:rj/je/5



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Senate File 256 - Introduced

SENATE FILE
BY BOLKCOM

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

A BILL FOR

1 An Act relating to the civil penalty imposed when a driver's
2 license is suspended or revoked, by allowing the penalty to be
3 paid in installments.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2321SS 82
6 dea/es/88



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Senate File 256 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.218A, as amended by 2005 Acts,
1 2 chapter 54, section 2, is amended to read as follows:
1 3 321.218A CIVIL PENALTY == DISPOSITION == REINSTATEMENT.
1 4 When the department suspends, revokes, or bars a person's
1 5 driver's license or nonresident operating privilege for a
1 6 conviction under this chapter, the department shall assess the
1 7 person a civil penalty of two hundred dollars. However, for
1 8 persons age nineteen or under, the civil penalty assessed
1 9 shall be fifty dollars. The civil penalty does not apply to a
1 10 suspension issued for a violation of section 321.180B. The
1 11 money collected by the department under this section shall be
1 12 transmitted to the treasurer of state who shall deposit the
1 13 money in the juvenile detention home fund created in section
1 14 232.142. The department shall develop procedures to accept
1 15 payment of the civil penalty in installments according to a
1 16 reasonable schedule agreed to by the department and the person
1 17 owing the penalty. A temporary restricted license shall not
1 18 be issued or a driver's license or nonresident operating
1 19 privilege reinstated until the civil penalty has been paid or
1 20 until an agreement has been entered into for payment of the
1 21 civil penalty in installments. The department may suspend or
1 22 revoke the temporary restricted license of a person who
1 23 violates the terms of a payment agreement. A person assessed
1 24 a penalty under this section may remit full payment of the
1 25 civil penalty along with a processing fee of five dollars to a
1 26 county treasurer authorized to issue driver's licenses under
1 27 chapter 321M, or the civil penalty may be paid directly to the
1 28 department.
1 29 Sec. 2. Section 321A.32A, as amended by 2005 Acts, chapter
1 30 54, section 6, is amended to read as follows:
1 31 321A.32A CIVIL PENALTY == DISPOSITION == REINSTATEMENT.
1 32 When the department suspends, revokes, or bars a person's
1 33 driver's license or nonresident operating privilege under this
1 34 chapter, the department shall assess the person a civil
1 35 penalty of two hundred dollars. However, for persons age



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2 1 nineteen or under, the civil penalty assessed shall be fifty
2 2 dollars. The money collected by the department under this
2 3 section shall be transmitted to the treasurer of state who
2 4 shall deposit the money in the juvenile detention home fund
2 5 created in section 232.142. The department shall develop
2 6 procedures to accept payment of the civil penalty in
2 7 installments according to a reasonable schedule agreed to by
2 8 the department and the person owing the penalty. A temporary
2 9 restricted license shall not be issued or a driver's license
2 10 or nonresident operating privilege reinstated until the civil
2 11 penalty has been paid or until an agreement has been entered
2 12 into for payment of the civil penalty in installments. The
2 13 department may suspend or revoke the temporary restricted
2 14 license of a person who violates the terms of a payment
2 15 agreement. A person assessed a penalty under this section may
2 16 remit full payment of the civil penalty along with a
2 17 processing fee of five dollars to a county treasurer
2 18 authorized to issue driver's licenses under chapter 321M, or
2 19 the civil penalty may be paid directly to the department.

2 20 EXPLANATION

2 21 This bill allows a person whose driver's license has been
2 22 suspended or revoked to pay the civil penalty required for
2 23 reinstatement of the license in installments, rather than in a
2 24 lump-sum payment, according to an agreement between the
2 25 licensee and the department of transportation. Once a payment
2 26 plan is agreed to, the person would be eligible for a
2 27 temporary restricted license, or to license reinstatement.
2 28 Failure to make the payments agreed to would be grounds for
2 29 suspension or revocation of the temporary restricted license.
2 30 Beginning July 1, 2007, the civil penalty may be paid in full,
2 31 along with a processing fee of \$5, to a county treasurer
2 32 authorized to issue driver's licenses. Installment payments
2 33 would be made directly to the department.

2 34 Currently, when a driver's license or nonresident operating
2 35 privilege is suspended, revoked, or barred, a \$200 civil



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3 1 penalty is imposed, or for a person 19 years of age or
3 2 younger, a \$50 penalty is imposed. A temporary restricted
3 3 license may not be issued and a driver's license or
3 4 nonresident operating privilege may not be reinstated until
3 5 the civil penalty is paid. Moneys collected from the
3 6 penalties are credited to the juvenile detention home fund.
3 7 LSB 2321SS 82
3 8 dea:nh/es/88



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Senate File 257 - Introduced

SENATE FILE
BY DANIELSON

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act designating the Sullivan brothers veterans museum as the
- 2 state of Iowa veterans museum.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1816SS 82
- 5 ec/cf/24



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1 1 Section 1. IOWA VETERANS MUSEUM. The Sullivan brothers
1 2 Iowa veterans museum located in Waterloo, Iowa, shall be
1 3 designated as the state of Iowa veterans museum.

1 4 EXPLANATION

1 5 This bill designates the Sullivan brothers Iowa veterans
1 6 museum as the state of Iowa veterans museum.

1 7 LSB 1816SS 82

1 8 ec/cf/24



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Senate File 258 - 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 the victim compensation fund and mileage
- 2 reimbursement.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1923SS 82
- 5 rh/je/5



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1 1 Section 1. Section 915.86, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 13. Necessary mileage expenses of a
1 4 victim traveling to and from a criminal trial relating to the
1 5 alleged crime against the victim. The mileage reimbursement
1 6 rate shall be the current rate established by the director of
1 7 the department of administrative services for state employees
1 8 pursuant to section 8A.363.

1 9 EXPLANATION

1 10 This bill allows a victim of a crime reimbursement for
1 11 necessary mileage expenses the victim incurs in traveling to
1 12 and from the applicable criminal trial. The mileage
1 13 reimbursement rate shall be the current rate established by
1 14 the director of the department of administrative services for
1 15 state employee travel.

1 16 LSB 1923SS 82

1 17 rh:nh/je/5.1



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Senate File 259 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 27)

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

A BILL FOR

1 An Act creating a program to provide financial assistance for
2 postsecondary education for young adults who were involved
3 with the state's foster care program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1063SV 82
6 jp/sh/8



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Senate File 259 - Introduced continued

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1 1 Section 1. Section 261.2, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. Develop and implement, in cooperation with the
1 4 department of human services and the judicial branch, a
1 5 program to assist juveniles who are sixteen years of age or
1 6 older and who have a case permanency plan under chapter 232 or
1 7 237 or are otherwise under the jurisdiction of chapter 232 in
1 8 applying for federal and state aid available for higher
1 9 education. The commission shall also develop and implement
1 10 the Iowa foster care education and training program in
1 11 accordance with section 261.6.

1 12 Sec. 2. NEW SECTION. 261.6 IOWA FOSTER CARE EDUCATION
1 13 AND TRAINING PROGRAM.

1 14 1. The commission shall develop and implement, in
1 15 cooperation with the department of human services and the
1 16 judicial branch, the Iowa foster care education and training
1 17 program in accordance with this section.

1 18 2. The program shall provide financial assistance for
1 19 postsecondary education or training to persons who have a high
1 20 school diploma or a high school equivalency diploma under
1 21 chapter 259A, are age eighteen through twenty-three, and are
1 22 described by any of the following:

1 23 a. On the date the person reached age eighteen or during
1 24 the thirty calendar days preceding or succeeding that date,
1 25 the person was in a licensed foster care placement pursuant to
1 26 a court order entered under chapter 232 under the care and
1 27 custody of the department of human services or juvenile court
1 28 services.

1 29 b. On the date the person reached age eighteen or during
1 30 the thirty calendar days preceding or succeeding that date,
1 31 the person was under a court order under chapter 232 to live
1 32 with a relative or other suitable person.

1 33 c. The person was in a licensed foster care placement
1 34 pursuant to an order entered under chapter 232 prior to being
1 35 legally adopted after reaching age sixteen.



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2 1 d. On the date the person reached age eighteen or during
2 2 the thirty calendar days preceding or succeeding that date,
2 3 the person was placed in the state training school or the Iowa
2 4 juvenile home pursuant to a court order entered under chapter
2 5 232 under the care and custody of the department of human
2 6 services.

2 7 3. The program requirements shall include but are not
2 8 limited to all of the following:

2 9 a. Program assistance shall cover a program participant's
2 10 expenses associated with attending an approved postsecondary
2 11 education or training program in this state. The expenses
2 12 shall include tuition and fees, books and supplies, child
2 13 care, transportation, housing, and other expenses approved by
2 14 the commission. If a participant is attending on less than a
2 15 full-time basis, assistance provisions shall be designed to
2 16 cover tuition and fees and books and supplies, and assistance
2 17 for other expenses shall be prorated to reflect the hours
2 18 enrolled.

2 19 b. If the approved education or training program is more
2 20 than one year in length, the program assistance may be
2 21 renewed. To renew the assistance, the participant must
2 22 annually reapply for the program and meet the academic
2 23 progress standards of the postsecondary educational
2 24 institution or make satisfactory progress toward completion of
2 25 the training program.

2 26 c. A person shall be less than age twenty-three upon both
2 27 the date of the person's initial application for the program
2 28 and the start date of the education or training program for
2 29 which the assistance is provided. Eligibility for program
2 30 assistance shall end upon the participant reaching age
2 31 twenty-four.

2 32 d. Assistance under the program shall not be provided for
2 33 expenses that are paid for by other programs for which funding
2 34 is available to assist the participant.

2 35 e. The commission shall implement assistance provisions in



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3 1 a manner to ensure that the total amount of assistance
3 2 provided under the program remains within the funding
3 3 available for the program.
3 4 4. The commission shall develop and implement a tracking
3 5 system that maintains a record of the postsecondary and
3 6 workforce participation for those assisted under the program.
3 7 The system shall maintain a record for each participant for up
3 8 to ten years after the first year of assistance. The
3 9 commission shall deliver a report on the outcomes of the
3 10 program to the governor and general assembly by January 1
3 11 annually.

3 12 EXPLANATION

3 13 This bill creates a program under the purview of the
3 14 college student aid commission to provide financial assistance
3 15 for postsecondary education or training for young adults age
3 16 18 through 23 who were involved with the state's foster care
3 17 or juvenile justice programs. A young adult must apply for
3 18 the financial assistance program and commence the education or
3 19 training prior to becoming age 23.

3 20 Code section 261.2, relating to the duties of the
3 21 commission, is amended to include the responsibility for
3 22 developing and implementing the program within the list of the
3 23 commission's duties.

3 24 The program's provisions are codified in new Code section
3 25 261.6. The commission is required to develop and implement
3 26 the program in cooperation with the department of human
3 27 services and the judicial branch.

3 28 To be eligible for the program, a participant must have a
3 29 high school diploma or high school equivalency certificate and
3 30 be described by one of the following: when the person reached
3 31 age 18 or within 30 days preceding or succeeding that date the
3 32 person was under court order for placement in a licensed
3 33 foster care placement, the state training school, or the Iowa
3 34 juvenile home, or with a relative or other suitable adult, or
3 35 the person was in a licensed foster care placement pursuant to



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4 1 an order entered under Code chapter 232 prior to being legally
4 2 adopted after reaching age 16.

4 3 Assistance under the program shall cover a program
4 4 participant's expenses associated with attending an approved
4 5 postsecondary education or training program in this state.
4 6 These expenses include tuition and fees, books and supplies,
4 7 child care, transportation, housing, and other expenses
4 8 approved by the commission. For a participant attending less
4 9 than full-time, assistance other than tuition, fees, books,
4 10 and supplies is required to be prorated.

4 11 Program assistance is available for more than one year
4 12 provided a participant reapplies annually and meets the
4 13 academic progress standards of the postsecondary educational
4 14 institution or makes satisfactory progress toward completion
4 15 of the training program.

4 16 Assistance under the program cannot be provided for
4 17 expenses that are paid for by other programs for which funding
4 18 is available to assist a participant.

4 19 The commission is required to submit an annual report to
4 20 the governor and general assembly concerning the program
4 21 outcomes.

4 22 LSB 1063SV 82

4 23 jp:nh/sh/8



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Senate File 260 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1090)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to dependent adult abuse.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1864SV 82
- 4 rh/gg/14



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1 1 Section 1. Section 235B.3, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. a. The department shall receive dependent adult abuse
1 4 reports and shall collect, maintain, and disseminate the
1 5 reports by establishing a central registry for dependent adult
1 6 abuse information. The department shall evaluate the reports
1 7 expeditiously. However, the department of inspections and
1 8 appeals is solely responsible for the evaluation and
1 9 disposition of dependent adult abuse cases within health care
1 10 facilities and shall inform the department of human services
1 11 of such evaluations and dispositions.
1 12 b. Reports of dependent adult abuse which is the result of
1 13 the acts or omissions of the dependent adult shall be
1 14 collected and maintained in the files of the dependent adult
1 15 as assessments only and shall not be included in the central
1 16 registry.
1 17 c. A report of dependent adult abuse that meets the
1 18 definition of dependent adult abuse under section 235B.2,
1 19 subsection 5, paragraph "a", subparagraph (1), subparagraph
1 20 subdivision (a) or (d), which the department determines is
1 21 minor, isolated, and unlikely to reoccur shall be collected
1 22 and maintained by the department as an assessment only for a
1 23 five-year period and shall not be included in the central
1 24 registry and shall not be considered to be founded dependent
1 25 adult abuse. However, a subsequent report of dependent adult
1 26 abuse that meets the definition of dependent adult abuse under
1 27 section 235B.2, subsection 5, paragraph "a", subparagraph (1),
1 28 subparagraph subdivision (a) or (d), that occurs within the
1 29 five-year period and that is committed by the caretaker
1 30 responsible for the act or omission which was the subject of
1 31 the previous report of dependent adult abuse which the
1 32 department determined was minor, isolated, and unlikely to
1 33 reoccur shall not be considered minor, isolated, and unlikely
1 34 to reoccur.
1 35 Sec. 2. Section 235B.9, Code 2007, is amended by adding



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2 1 the following new subsection:

2 2 NEW SUBSECTION. 5. Dependent adult abuse information
2 3 which is determined to be minor, isolated, and unlikely to
2 4 reoccur shall be expunged five years after the receipt of the
2 5 initial report by the department. If a subsequent report of
2 6 dependent adult abuse committed by the caretaker responsible
2 7 for the act or omission which was the subject of the previous
2 8 report of dependent adult abuse which the department
2 9 determined was minor, isolated, and unlikely to reoccur is
2 10 received by the department within the five-year period, the
2 11 information shall be sealed ten years after receipt of the
2 12 subsequent report unless good cause can be shown why the
2 13 information should remain open to authorized access.

2 14 EXPLANATION

2 15 This bill relates to dependent adult abuse.

2 16 The bill provides that a report of dependent adult abuse
2 17 that meets the definition of dependent adult abuse involving
2 18 physical injury, unreasonable confinement, unreasonable
2 19 punishment, or assault of a dependent adult or the deprivation
2 20 of the minimum food, shelter, clothing, supervision, physical
2 21 or mental health care, or other care necessary to maintain a
2 22 dependent adult's life or health, which the department of
2 23 human services determines is minor, isolated, and unlikely to
2 24 reoccur shall be collected and maintained by the department of
2 25 human services as an assessment only for a five-year period
2 26 and shall not be included in the department of human services'
2 27 central registry for dependent adult abuse information and
2 28 shall not be considered to be founded dependent adult abuse.
2 29 However, a subsequent report of dependent adult abuse that
2 30 meets the definition of dependent adult abuse involving
2 31 physical injury, unreasonable confinement, unreasonable
2 32 punishment, or assault of a dependent adult or the deprivation
2 33 of the minimum food, shelter, clothing, supervision, physical
2 34 or mental health care, or other care necessary to maintain a
2 35 dependent adult's life or health that occurs within the



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3 1 five-year period and that is committed by the caretaker
3 2 responsible for the act or omission which was the subject of
3 3 the previous report of dependent adult abuse which the
3 4 department of human services determined was minor, isolated,
3 5 and unlikely to reoccur shall not be considered minor,
3 6 isolated, and unlikely to reoccur.
3 7 The bill provides that dependent adult abuse information
3 8 which is determined to be minor, isolated, and unlikely to
3 9 reoccur shall be expunged five years after the receipt of the
3 10 initial report by the department of human services. If a
3 11 subsequent report of dependent adult abuse committed by the
3 12 caretaker responsible for the act or omission which was the
3 13 subject of the previous report of dependent adult abuse which
3 14 the department of human services determined was minor,
3 15 isolated, and unlikely to reoccur is received by the
3 16 department of human services within the five-year period, the
3 17 information shall be sealed 10 years after receipt of the
3 18 subsequent report unless good cause can be shown why the
3 19 information should remain open to authorized access.
3 20 LSB 1864SV 82
3 21 rh:nh/gg/14



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Senate File 261 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1066)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act requiring certain private sewage disposal system-related
2 inspections to be conducted when certain property is sold or
3 transferred and including an effective date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1427SV 82
6 tm/gg/14



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Senate File 261 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.172, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 11. a. A building where a person
1 4 resides, congregates, or is employed that is served by a
1 5 private sewage disposal system shall have the sewage disposal
1 6 system serving the building inspected prior to any transfer of
1 7 ownership of the building. The requirements of this
1 8 subsection shall be applied to all types of ownership transfer
1 9 including at the time a seller financed real estate contract
1 10 is signed. The county recorder shall not record a deed or any
1 11 other property transfer or conveyance document until either a
1 12 certified inspector's report is provided which documents the
1 13 condition of the private sewage disposal system and whether
1 14 any modifications are required to conform to standards adopted
1 15 by the department or, in the event that weather or other
1 16 temporary physical conditions prevent the certified inspection
1 17 from being conducted, the buyer has executed and submitted a
1 18 binding acknowledgement with the county board of health to
1 19 conduct a certified inspection of the private sewage disposal
1 20 system at the earliest practicable time and to be responsible
1 21 for any required modifications to the private sewage disposal
1 22 system as identified by the certified inspection. Any type of
1 23 on-site treatment unit or private sewage disposal system must
1 24 be inspected according to rules developed by the department.
1 25 For purposes of this subsection, "transfer" means the same as
1 26 defined in section 558A.1.
1 27 b. At the time of inspection, any septic tank existing as
1 28 part of the sewage disposal system shall be opened and have
1 29 the contents pumped out and disposed of as provided for by
1 30 rule. In the alternative, the owner may provide evidence of
1 31 the septic tank being properly pumped out within one year
1 32 prior to the inspection by a commercial septic tank cleaner
1 33 licensed by the department which shall include documentation
1 34 of the size and condition of the tank and its components at
1 35 the time of such occurrence.



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Senate File 261 - Introduced continued

2 1 c. If a private sewage disposal system is failing to
2 2 ensure effective wastewater treatment or is otherwise
2 3 improperly functioning, the private sewage disposal system
2 4 shall be renovated to meet current construction standards, as
2 5 adopted by the department, either by the seller or, by
2 6 agreement, within a reasonable time period as determined by
2 7 the county or the department, by the buyer. If the private
2 8 sewage disposal system is properly treating the wastewater and
2 9 not creating an unsanitary condition in the environment at the
2 10 time of inspection, the system is not required to meet current
2 11 construction standards.

2 12 d. Inspections shall be conducted by an inspector
2 13 certified by the department.

2 14 e. Pursuant to chapter 17A, the department shall adopt
2 15 certification requirements for inspectors including training,
2 16 testing, and fees, and shall establish uniform statewide
2 17 inspection criteria and an inspection form. The inspector
2 18 certification training shall include use of the criteria and
2 19 form. The department shall maintain a list of certified
2 20 inspectors.

2 21 f. County personnel are eligible to become certified
2 22 inspectors. A county may set an inspection fee for
2 23 inspections conducted by certified county personnel. A county
2 24 shall allow any department certified inspector to provide
2 25 inspection services under this subsection within the county's
2 26 jurisdiction.

2 27 g. Following an inspection, the inspection form and any
2 28 related reports shall be provided to the county for
2 29 enforcement of any follow-up mandatory system improvement and
2 30 to the department for record.

2 31 h. An inspection is valid for a period of two years for
2 32 any ownership transfers during that period. Title abstracts
2 33 to property with private sewage disposal systems shall include
2 34 documentation of the requirements in this subsection.

2 35 Sec. 2. EFFECTIVE DATE. This Act takes effect July 1,



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Senate File 261 - Introduced continued

3 1 2008.

3 2 EXPLANATION

3 3 This bill relates to certain water treatment and
3 4 supply-related inspections conducted when certain property is
3 5 sold or otherwise transferred.

3 6 The bill requires a building where a person resides,
3 7 congregates, or is employed that is served by a private sewage
3 8 disposal system to have the sewage disposal system serving the
3 9 building inspected prior to any transfer of ownership of the
3 10 building. The bill provides that, at the time of inspection,
3 11 any septic tank existing as part of the sewage disposal system
3 12 shall be opened and have the contents pumped out and disposed
3 13 of as provided for by rule. In the alternative, the owner may
3 14 provide evidence of the septic tank being properly pumped out
3 15 within one year prior to the inspection by a licensed
3 16 commercial septic tank cleaner.

3 17 The bill provides that, if a private sewage disposal system
3 18 is failing to ensure effective wastewater treatment or is
3 19 otherwise improperly functioning, the private sewage disposal
3 20 system shall be renovated to meet current construction
3 21 standards. The bill provides that, if the private sewage
3 22 disposal system is properly treating the wastewater and not
3 23 creating an unsanitary condition in the environment at the
3 24 time of inspection, the system is not required to meet current
3 25 construction standards. The bill requires inspections to be
3 26 conducted by an inspector certified by the department.

3 27 The bill requires the department to adopt certification
3 28 requirements for inspectors and to maintain a list of
3 29 certified inspectors.

3 30 The bill allows county personnel to be eligible to become
3 31 certified inspectors. The bill allows a county to set an
3 32 inspection fee for inspections conducted by certified county
3 33 personnel. The bill requires a county to allow any department
3 34 certified inspector to provide inspection services within the
3 35 county's jurisdiction.



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4 1 The bill includes reporting requirements following
4 2 inspections.
4 3 The bill provides that an inspection will be valid for a
4 4 period of two years for any property transfers during that
4 5 period and that title abstracts to property with private
4 6 sewage disposal systems shall include documentation of the
4 7 bill's requirements.
4 8 The bill takes effect July 1, 2008.
4 9 LSB 1427SV 82
4 10 tm:nh/gg/14



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Senate File 262 - Introduced

SENATE FILE
BY BOLKCOM

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating an Iowa climate disruption advisory council and
- 2 making appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2393XS 82
- 5 tm/je/5



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Senate File 262 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 455B.851 IOWA CLIMATE DISRUPTION
1 2 ADVISORY COUNCIL.
1 3 1. The department shall create an Iowa climate disruption
1 4 advisory council consisting of fifteen voting members serving
1 5 three-year staggered terms and four nonvoting, ex officio
1 6 members.
1 7 2. a. The voting members shall be appointed by the
1 8 governor and shall represent the following:
1 9 (1) The university of Iowa center for global and regional
1 10 environmental research.
1 11 (2) The university of northern Iowa center for energy and
1 12 environmental education.
1 13 (3) The Iowa farm bureau.
1 14 (4) The Iowa public transit association.
1 15 (5) Rural electric cooperatives.
1 16 (6) Investor-owned utilities.
1 17 (7) Municipal utilities.
1 18 (8) The Iowa utilities board.
1 19 (9) An association with environmental interests or
1 20 activities.
1 21 (10) An association with conservation interests or
1 22 activities.
1 23 (11) The international brotherhood of electrical workers.
1 24 (12) The Iowa association of business and industry.
1 25 b. The four nonvoting, ex officio members shall consist of
1 26 four members of the general assembly, two from the senate and
1 27 two from the house of representatives, with not more than one
1 28 member from each chamber being from the same political party.
1 29 The two senators shall be designated by the majority leader of
1 30 the senate after consultation with the president and the
1 31 minority leader of the senate. The two representatives shall
1 32 be designated by the speaker of the house of representatives
1 33 after consultation with the majority and minority leaders of
1 34 the house of representatives.
1 35 3. Voting members of the council shall serve at the



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2 1 pleasure of the governor and shall serve without compensation.

2 2 4. The chairperson of the council shall be designated by
2 3 the governor and may convene the council at any time.

2 4 5. A vacancy in the membership shall not impair the right
2 5 of a quorum to exercise all the rights and perform all the
2 6 duties of the council. A majority of the council members then
2 7 appointed constitutes a quorum. A majority vote of the quorum
2 8 is required for council action.

2 9 6. The department shall provide necessary staff assistance
2 10 to the council.

2 11 7. After consideration of a full range of policies and
2 12 strategies, the council shall adopt a proposal designed to
2 13 reduce statewide greenhouse gas emissions by ten percent by
2 14 the year 2015 and by twenty-five percent by the year 2020.
2 15 The baseline year for calculating reductions shall be 2007.
2 16 The council shall submit the proposal to the governor and the
2 17 general assembly by January 1, 2008.

2 18 8. By September 1 of each year, the department shall
2 19 submit a report to the governor and the general assembly
2 20 regarding the greenhouse gas emissions in the state during the
2 21 previous fiscal year and forecasting trends in such emissions.
2 22 The first submission by the department shall be filed by
2 23 September 1, 2008, for the fiscal year beginning July 1, 2007.

2 24 9. There is appropriated from the general fund of the
2 25 state to the department of natural resources for the fiscal
2 26 period beginning July 1, 2007, and ending June 30, 2011, the
2 27 sum of one hundred thousand dollars each fiscal year for
2 28 purposes of the establishment and support of the Iowa climate
2 29 disruption advisory council. Notwithstanding section 8.33,
2 30 moneys appropriated in this subsection that remain
2 31 unencumbered or unobligated at the close of the fiscal year
2 32 shall not revert but shall remain available for expenditure
2 33 for the purposes designated until the close of the succeeding
2 34 fiscal year.

2 35

EXPLANATION



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Senate File 262 - Introduced continued

3 1 This bill creates an Iowa climate disruption advisory
3 2 council.
3 3 The bill requires the department of natural resources to
3 4 create an Iowa climate disruption advisory council consisting
3 5 of 15 voting members and four nonvoting, ex officio members
3 6 representing the general assembly. The bill provides that the
3 7 voting members are appointed by the governor and shall
3 8 represent certain associations and groups. The bill requires
3 9 the governor to designate the chairperson of the council. The
3 10 bill requires the department to provide necessary staff
3 11 assistance to the council.
3 12 The bill requires the council, after consideration of a
3 13 full range of policies and strategies, to adopt a proposal
3 14 designed to reduce statewide greenhouse gas emissions by 10
3 15 percent by the year 2015 and by 25 percent by the year 2020.
3 16 The baseline year for calculation of reductions shall be 2007.
3 17 The council shall submit the proposal to the governor and the
3 18 general assembly by January 1, 2008.
3 19 By September 1 of each year, the bill requires the
3 20 department to submit a report to the governor and the general
3 21 assembly regarding the greenhouse gas emissions in the state
3 22 during the previous fiscal year and forecasting trends in such
3 23 emissions.
3 24 The bill appropriates from the general fund of the state to
3 25 the department of natural resources for the fiscal period
3 26 beginning July 1, 2007, and ending June 30, 2011, the sum of
3 27 \$100,000 each fiscal year for purposes of the establishment
3 28 and support of the Iowa climate disruption advisory council.
3 29 LSB 2393XS 82
3 30 tm:rj/je/5



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Senate File 263 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1228)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning gambling games on gambling structures.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1955SV 82
- 4 ec/gg/14



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Senate File 263 - Introduced continued

PAG LIN

1 1 Section 1. Section 97A.3, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. All peace officer members of the division of state
1 4 patrol and the division of criminal investigation or the
1 5 predecessor divisions or subunits in the department of public
1 6 safety, excepting the members of the clerical force, who are
1 7 employed by the state of Iowa on July 4, 1949, and all persons
1 8 thereafter employed as members of such divisions or the
1 9 predecessor divisions or subunits in the department of public
1 10 safety or division of narcotics enforcement or division of
1 11 state fire marshal or the predecessor divisions or subunits,
1 12 except the members of the clerical force, shall be members of
1 13 this system, except as otherwise provided in subsection 3.
1 14 Effective July 1, 1994, gaming enforcement officers employed
1 15 by the division of criminal investigation for excursion boat
1 16 and gambling structure gambling enforcement activities and
1 17 fire prevention inspector peace officers employed by the
1 18 department of public safety shall be members of this system,
1 19 except as otherwise provided in subsection 3 or section
1 20 97B.42B. Such members shall not be required to make
1 21 contributions under any other pension or retirement system of
1 22 the state of Iowa, anything to the contrary notwithstanding.
1 23 Sec. 2. Section 97B.42B, subsection 1, paragraph a, Code
1 24 2007, is amended to read as follows:
1 25 a. Gaming enforcement officers employed by the division of
1 26 criminal investigation for excursion boat and gambling
1 27 structure gambling enforcement activities.
1 28 Sec. 3. Section 99B.6, subsection 8, Code 2007, is amended
1 29 to read as follows:
1 30 8. Gambling games authorized under chapter 99F may be
1 31 conducted on an excursion gambling boat or gambling structure
1 32 which is licensed as an establishment that serves or sells
1 33 alcoholic beverages, wine, or beer as defined in section 123.3
1 34 if the gambling games are conducted pursuant to chapter 99F
1 35 and rules adopted under chapter 99F. Notwithstanding section



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2 1 123.3, subsection 26, paragraph "b", a person holding a
2 2 federal gambling permit and licensed to conduct gambling games
2 3 pursuant to chapter 99F may hold a liquor license.

2 4 Sec. 4. Section 99D.5, subsection 5, paragraph c, Code
2 5 2007, is amended to read as follows:

2 6 c. Place a wager on an entry in a race or on a gambling
2 7 game operated on an excursion gambling boat or gambling
2 8 structure.

2 9 Sec. 5. Section 99F.1, Code 2007, is amended by adding the
2 10 following new subsection:

2 11 NEW SUBSECTION. 11A. "Gambling structure" means any
2 12 man-made stationary structure approved by the commission that
2 13 does not include a racetrack enclosure which is subject to
2 14 land-based building codes rather than maritime or Iowa
2 15 department of natural resources inspection laws and
2 16 regulations on which lawful gambling is authorized and
2 17 licensed as provided in this chapter.

2 18 Sec. 6. Section 99F.1, subsection 12, Code 2007, is
2 19 amended to read as follows:

2 20 12. "Gaming floor" means that portion of an excursion
2 21 gambling boat, gambling structure, or racetrack enclosure in
2 22 which gambling games are conducted as designated by the
2 23 commission.

2 24 Sec. 7. Section 99F.3, Code 2007, is amended to read as
2 25 follows:

2 26 99F.3 ~~EXCURSION BOAT~~ GAMBLING GAMES AUTHORIZED.

2 27 The system of wagering on a gambling game as provided by
2 28 this chapter is legal, when conducted on an excursion gambling
2 29 boat, gambling structure, or racetrack enclosure at authorized
2 30 locations by a licensee as provided in this chapter.

2 31 Sec. 8. Section 99F.4, Code 2007, is amended by adding the
2 32 following new subsection:

2 33 NEW SUBSECTION. 25. To license the licensee of a gambling
2 34 structure subject to the provisions of this chapter and rules
2 35 adopted pursuant to this chapter relating to gambling and as



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3 1 provided in section 99F.4D.

3 2 Sec. 9. NEW SECTION. 99F.4D GAMBLING GAMES AT GAMBLING
3 3 STRUCTURES == REQUIREMENTS.

3 4 Unless otherwise provided by this chapter, the provisions
3 5 of this chapter applicable to an excursion gambling boat shall
3 6 also apply to a gambling structure.

3 7 Sec. 10. Section 99F.5, Code 2007, is amended to read as
3 8 follows:

3 9 99F.5 LICENSE TO CONDUCT GAMBLING GAMES ON EXCURSION
3 10 GAMBLING BOAT == LICENSE TO OPERATE BOAT == APPLICATIONS ==
3 11 OPERATING AGREEMENTS == FEE.

3 12 1. A qualified sponsoring organization may apply to the
3 13 commission for a license to conduct gambling games on an
3 14 excursion gambling boat or gambling structure as provided in
3 15 this chapter. A person may apply to the commission for a
3 16 license to operate an excursion gambling boat. An operating
3 17 agreement entered into on or after May 6, 2004, between a
3 18 qualified sponsoring organization and an operator of an
3 19 excursion gambling boat or gambling structure shall provide
3 20 for a minimum distribution by the qualified sponsoring
3 21 organization for educational, civic, public, charitable,
3 22 patriotic, or religious uses as defined in section 99B.7,
3 23 subsection 3, paragraph "b", that averages at least three
3 24 percent of the adjusted gross receipts for each license year.
3 25 The application shall be filed with the administrator of the
3 26 commission at least ninety days before the first day of the
3 27 next excursion season as determined by the commission, shall
3 28 identify the excursion gambling boat upon which gambling games
3 29 will be authorized, shall specify the exact location where the
3 30 excursion gambling boat will be docked, and shall be in a form
3 31 and contain information as the commission prescribes. The
3 32 minimum ~~passenger~~ capacity of an excursion gambling boat or
3 33 gambling structure is two hundred fifty persons.

3 34 2. The annual license fee to operate an excursion gambling
3 35 boat shall be based on the passenger-carrying capacity



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4 1 including crew, for which the excursion gambling boat is
4 2 registered. For a gambling structure, the annual license fee
4 3 shall be based on the capacity of the gambling structure. The
4 4 annual fee shall be five dollars per person capacity.
4 5 Sec. 11. Section 99F.7, subsection 1, Code 2007, is
4 6 amended to read as follows:
4 7 1. If the commission is satisfied that this chapter and
4 8 its rules adopted under this chapter applicable to licensees
4 9 have been or will be complied with, the commission shall issue
4 10 a license for a period of not more than three years to an
4 11 applicant to own a gambling game operation, to an applicant to
4 12 operate a gambling structure, and to an applicant to operate
4 13 an excursion gambling boat. The commission shall decide which
4 14 of the gambling games authorized under this chapter the
4 15 commission will permit. The commission shall decide the
4 16 number, location, and type of gambling structures and
4 17 excursion gambling boats licensed under this chapter for. The
4 18 commission shall allow the operation of an excursion boat or
4 19 moored barge on or within one thousand feet of the high water
4 20 marks of the rivers, lakes, and reservoirs of this state. ~~An~~
4 21 ~~excursion gambling boat may be located or operated on a~~
4 22 ~~natural or man-made lake or reservoir if the lake or reservoir~~
4 23 ~~is of sufficient size to accommodate recreational activity.~~
4 24 ~~An excursion gambling boat may also be located on a man-made~~
4 25 ~~basin or other body of water adjacent to a river, provided it~~
4 26 ~~is located no more than one thousand feet from the high water~~
4 27 ~~mark of the river, as established by the commission in~~
4 28 consultation with the United States army corps of engineers,
4 29 the department of natural resources, or other appropriate
4 30 regulatory agency. The license shall set forth, as
4 31 applicable, the name of the licensee, the type of license
4 32 granted, the location of the gambling structure or the place
4 33 where the excursion gambling boats will operate and dock, and
4 34 the time and number of days during the excursion season and
4 35 the off season when gambling may be conducted by the licensee.



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5 1 Sec. 12. Section 99F.7, subsection 2, Code 2007, is
5 2 amended by adding the following new paragraph:
5 3 NEW PARAGRAPH. c. A person awarded a new license to
5 4 conduct gambling games on an excursion gambling boat or
5 5 gambling structure in the same county as another licensed
5 6 excursion gambling boat or gambling structure shall only be
5 7 licensed to operate an excursion gambling boat or gambling
5 8 structure that is located at a similarly situated site and
5 9 operated as a substantially similar facility as any other
5 10 excursion gambling boat or gambling structure in the county.

5 11 Sec. 13. Section 99F.9, subsections 3 and 5, Code 2007,
5 12 are amended to read as follows:

5 13 3. The licensee may receive wagers only from a person
5 14 present on a licensed excursion gambling boat, licensed
5 15 gambling structure, or in a licensed racetrack enclosure.

5 16 5. A person under the age of twenty-one years shall not
5 17 make or attempt to make a wager on an excursion gambling boat,
5 18 gambling structure, or in a racetrack enclosure and shall not
5 19 be allowed on the gaming floor of an excursion gambling boat
5 20 or gambling structure or in the wagering area, as defined in
5 21 section 99D.2, or on the gaming floor of a racetrack
5 22 enclosure. However, a person eighteen years of age or older
5 23 may be employed to work on the gaming floor of an excursion
5 24 gambling boat or gambling structure or in the wagering area or
5 25 on the gaming floor of a racetrack enclosure. A person who
5 26 violates this subsection with respect to making or attempting
5 27 to make a wager commits a scheduled violation under section
5 28 805.8C, subsection 5.

5 29 Sec. 14. Section 99F.10, subsections 1, 2, and 4, Code
5 30 2007, are amended to read as follows:

5 31 1. A qualified sponsoring organization conducting gambling
5 32 games on an excursion gambling boat or gambling structure
5 33 licensed under section 99F.7 shall pay the tax imposed by
5 34 section 99F.11.

5 35 2. An excursion gambling boat or gambling structure



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6 1 licensee shall pay to the commission a regulatory fee to be
6 2 charged as provided in this section.

6 3 4. In determining the license fees and state regulatory
6 4 fees to be charged as provided under section 99F.4 and this
6 5 section, the commission shall use as the basis for determining
6 6 the amount of revenue to be raised from the license fees and
6 7 regulatory fees the amount appropriated to the commission plus
6 8 the cost of salaries for no more than two special agents for
6 9 each excursion gambling boat or gambling structure and no more
6 10 than four gaming enforcement officers for each excursion
6 11 gambling boat or gambling structure with a patron capacity of
6 12 less than two thousand persons or no more than five gaming
6 13 enforcement officers for each excursion gambling boat or
6 14 gambling structure with a patron capacity of at least two
6 15 thousand persons, plus any direct and indirect support costs
6 16 for the agents and officers, for the division of criminal
6 17 investigation's excursion gambling boat or gambling structure
6 18 activities.

6 19 Sec. 15. Section 99F.11, subsection 2, Code 2007, is
6 20 amended to read as follows:

6 21 2. The tax rate imposed each fiscal year on any amount of
6 22 adjusted gross receipts over three million dollars shall be as
6 23 follows:

6 24 a. If the licensee is an excursion gambling boat or
6 25 gambling structure, twenty=two percent.

6 26 b. If the licensee is a racetrack enclosure conducting
6 27 gambling games and another licensee that is an excursion
6 28 gambling boat or gambling structure is located in the same
6 29 county, then the following rate, as applicable:

6 30 (1) If the licensee of the racetrack enclosure has not
6 31 been issued a table games license during the fiscal year or if
6 32 the adjusted gross receipts from gambling games of the
6 33 licensee in the prior fiscal year were less than one hundred
6 34 million dollars, twenty=two percent.

6 35 (2) If the licensee of the racetrack enclosure has been



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7 1 issued a table games license during the fiscal year or prior
7 2 fiscal year and the adjusted gross receipts from gambling
7 3 games of the licensee in the prior fiscal year were one
7 4 hundred million dollars or more, twenty=two percent on
7 5 adjusted gross receipts received prior to the operational date
7 6 and twenty=four percent on adjusted gross receipts received on
7 7 or after the operational date. For purposes of this
7 8 subparagraph, the operational date is the date the commission
7 9 determines table games became operational at the racetrack
7 10 enclosure.

7 11 c. If the licensee is a racetrack enclosure conducting
7 12 gambling games and no licensee that is an excursion gambling
7 13 boat or gambling structure is located in the same county,
7 14 twenty=four percent.

7 15 Sec. 16. Section 99F.12, subsection 2, Code 2007, is
7 16 amended to read as follows:

7 17 2. The licensee shall furnish to the commission reports
7 18 and information as the commission may require with respect to
7 19 its activities. The gross receipts and adjusted gross
7 20 receipts from gambling shall be separately handled and
7 21 accounted for from all other moneys received from operation of
7 22 an excursion gambling boat or from operation of a racetrack
7 23 enclosure or gambling structure licensed to conduct gambling
7 24 games. The commission may designate a representative to board
7 25 a licensed excursion gambling boat or to enter a racetrack
7 26 enclosure or gambling structure licensed to conduct gambling
7 27 games, who shall have full access to all places within the
7 28 enclosure of the boat, the gambling structure, or the
7 29 racetrack enclosure, who shall directly supervise the handling
7 30 and accounting of all gross receipts and adjusted gross
7 31 receipts from gambling, and who shall supervise and check the
7 32 admissions. The compensation of a representative shall be
7 33 fixed by the commission but shall be paid by the licensee.

7 34 Sec. 17. Section 99F.15, subsection 3, Code 2007, is
7 35 amended to read as follows:



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8 1 3. A person wagering or accepting a wager at any location
8 2 outside an excursion gambling boat, gambling structure, or a
8 3 racetrack enclosure is in violation of section 725.7.

8 4 Sec. 18. Section 99F.15, subsection 4, unnumbered
8 5 paragraph 1, Code 2007, is amended to read as follows:

8 6 A person commits a class "D" felony and, in addition, shall
8 7 be barred for life from excursion gambling boats and gambling
8 8 structures under the jurisdiction of the commission, if the
8 9 person does any of the following:

8 10 Sec. 19. Section 99F.15, subsection 4, paragraphs a and b,
8 11 Code 2007, are amended to read as follows:

8 12 a. Offers, promises, or gives anything of value or benefit
8 13 to a person who is connected with an excursion gambling boat
8 14 or gambling structure operator including, but not limited to,
8 15 an officer or employee of a licensee or holder of an
8 16 occupational license pursuant to an agreement or arrangement
8 17 or with the intent that the promise or thing of value or
8 18 benefit will influence the actions of the person to whom the
8 19 offer, promise, or gift was made in order to affect or attempt
8 20 to affect the outcome of a gambling game, or to influence
8 21 official action of a member of the commission.

8 22 b. Solicits or knowingly accepts or receives a promise of
8 23 anything of value or benefit while the person is connected
8 24 with an excursion gambling boat or gambling structure
8 25 including, but not limited to, an officer or employee of a
8 26 licensee, or holder of an occupational license, pursuant to an
8 27 understanding or arrangement or with the intent that the
8 28 promise or thing of value or benefit will influence the
8 29 actions of the person to affect or attempt to affect the
8 30 outcome of a gambling game, or to influence official action of
8 31 a member of the commission.

8 32 Sec. 20. Section 533C.103, subsection 13, Code 2007, is
8 33 amended to read as follows:

8 34 13. Pari-mutuel wagering, racetracks, ~~and~~ excursion
8 35 gambling boats, and gambling structures as provided in
9 1 chapters 99D and 99F.

9 2 EXPLANATION

9 3 This bill authorizes gambling games currently authorized by
9 4 Code chapter 99F on excursion gambling boats, moored barges,
9 5 and certain racetrack enclosures on a land-based gambling
9 6 structure. The bill defines a gambling structure as any
9 7 man-made stationary structure that does not include a
9 8 racetrack enclosure which is subject to land-based building
9 9 codes rather than maritime or Iowa department of natural
9 10 resources inspection laws and regulations on which lawful
9 11 gambling is authorized and licensed as provided in Code
9 12 chapter 99F.

9 13 New Code section 99F.4D provides that unless otherwise
9 14 provided by Code chapter 99F, the provisions governing an
9 15 excursion gambling boat shall also apply to a gambling
9 16 structure. The bill further specifically provides that
9 17 provisions governing the regulatory fees and taxes owed by
9 18 excursion gambling boats apply in the same manner to a
9 19 gambling structure.

9 20 Code section 99F.7, subsection 1, is amended to provide
9 21 that an excursion boat or moored barge shall be permitted on



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9 22 or within 1,000 feet of the high water mark of a river, lake,
9 23 or reservoir as established by the racing and gaming
9 24 commission.
9 25 Code section 99F.7, subsection 2, is also amended to
9 26 provide that any new license to conduct gambling games on an
9 27 excursion gambling boat or gambling structure in the same
9 28 county as another licensed boat or structure shall be granted
9 29 only if the new license is located at a similarly situated
9 30 site and operated as a similar facility as any other licensed
9 31 boat or structure in the county.
9 32 LSB 1955SV 82
9 33 ec:rj/gg/14



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Senate File 264 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 33)

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

A BILL FOR

- 1 An Act relating to grandparent and great-grandparent visitation.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1741SV 82
- 4 pf/je/5



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Senate File 264 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 600C.1 GRANDPARENT AND
1 2 GREAT=GRANDPARENT VISITATION.
1 3 1. The grandparent or great=grandparent of a minor child
1 4 may petition the court for grandchild or great=grandchild
1 5 visitation.
1 6 2. The court shall consider a fit parent's objections to
1 7 granting visitation under this section. A rebuttable
1 8 presumption arises that a fit parent's decision to deny
1 9 visitation to a grandparent or great=grandparent is in the
1 10 best interest of a minor child.
1 11 3. The court may grant visitation to the grandparent or
1 12 great=grandparent if the district court finds all of the
1 13 following by clear and convincing evidence:
1 14 a. The grandparent or great=grandparent has established a
1 15 substantial relationship with the child prior to the filing of
1 16 the petition.
1 17 b. The parent who is being asked to temporarily relinquish
1 18 care, custody, and control of the child to provide visitation
1 19 meets any of the following conditions:
1 20 (1) Is unfit to make the decision regarding visitation.
1 21 (2) Is a fit parent, but the parent's decision to deny
1 22 visitation poses substantial harm or potential substantial
1 23 harm to the child beyond the harm derived from the loss of the
1 24 helpful, beneficial influence of the grandparent or
1 25 great=grandparent.
1 26 c. It is in the best interest of the child to grant such
1 27 visitation.
1 28 4. For the purposes of this section, "court" means the
1 29 district court, the juvenile court, or a tribal court, if that
1 30 court currently has jurisdiction over the child in a pending
1 31 action. If an action is not pending, the district court has
1 32 jurisdiction.
1 33 Sec. 2. Section 598.35, Code 2007, is repealed.
1 34 EXPLANATION
1 35 This bill replaces the current grandparent and great=



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Senate File 264 - Introduced continued

2 1 grandparent visitation provisions. Under the bill, a
2 2 grandparent or great-grandparent of a minor child may petition
2 3 the court for visitation. The court is required to consider
2 4 the fit parent's objections to granting visitation, and there
2 5 is a rebuttable presumption that a fit parent's decision to
2 6 deny visitation to a grandparent or great-grandparent is in
2 7 the best interest of the minor child.

2 8 The court may grant visitation if the court finds by clear
2 9 and convincing evidence that: the grandparent or
2 10 great-grandparent has established a substantial relationship
2 11 with the child prior to the filing of the petition; the parent
2 12 who is being asked to temporarily relinquish care, custody,
2 13 and control of the child to provide visitation is either unfit
2 14 to make that decision or is a fit parent but the parent's
2 15 decision to deny visitation poses substantial harm or
2 16 potential substantial harm to the child beyond the harm
2 17 derived from the loss of the helpful, beneficial influence of
2 18 the grandparent or great-grandparent; and it is in the best
2 19 interest of the child to grant such visitation.

2 20 The bill defines "court" for the purposes of jurisdiction.
2 21 Court may include the district court, juvenile court, or a
2 22 tribal court, if the court has jurisdiction over a child in a
2 23 pending action. If an action is not pending, the district
2 24 court has jurisdiction.

2 25 LSB 1741SV 82

2 26 pf:rj/je/5



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Senate Study Bill 1261

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL REQUESTED
BY CONNOLLY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the employment of school nurses by school
- 2 districts and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1802SS 82
- 5 kh/gg/14



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Senate Study Bill 1261 continued

PAG LIN

1 1 Section 1. NEW SECTION. 279.65 SCHOOL NURSES.
1 2 1. The board of directors of a school district shall
1 3 employ not less than one school nurse for every seven hundred
1 4 fifty students enrolled in the school district to provide
1 5 health services to such students. If the total school
1 6 district enrollment is less than seven hundred fifty students,
1 7 the board of directors of the school district shall, at a
1 8 minimum, employ a school nurse on a less than full-time basis
1 9 for an amount of time which shall be prorated as determined by
1 10 the state board of education by rule.

1 11 2. For purposes of this section, "school nurse" means a
1 12 person who holds a letter of authorization or statement of
1 13 professional recognition issued by the board of educational
1 14 examiners under chapter 272.

1 15 Sec. 2. FUTURE EFFECTIVE DATE. This Act takes effect July
1 16 1, 2011.

1 17 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
1 18 with section 25B.2, subsection 3, the state cost of requiring
1 19 compliance with any state mandate included in this Act shall
1 20 be paid by a school district from state school foundation aid
1 21 received by the school district under section 257.16. This
1 22 specification of the payment of the state cost shall be deemed
1 23 to meet all the state funding-related requirements of section
1 24 25B.2, subsection 3, and no additional state funding shall be
1 25 necessary for the full implementation of this Act by and
1 26 enforcement of this Act against all affected school districts.

1 27 EXPLANATION

1 28 This bill requires a school district to employ one school
1 29 nurse for every 750 students enrolled in the school district
1 30 or to, at a minimum, employ a nurse on less than a full-time
1 31 prorated basis if the school district has a total enrollment
1 32 of less than 750 students. The state board is directed to
1 33 determine by rule the minimum amount of time a school district
1 34 with an enrollment of less than 750 students must employ a
1 35 school nurse.



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Senate Study Bill 1261 continued

2 1 The bill may include a state mandate as defined in Code
2 2 section 25B.3. The bill requires that the state cost of any
2 3 state mandate included in the bill be paid by a school
2 4 district from state school foundation aid received by the
2 5 school district under Code section 257.16. The specification
2 6 is deemed to constitute state compliance with any state
2 7 mandate funding-related requirements of Code section 25B.2.
2 8 The inclusion of this specification is intended to reinstate
2 9 the requirement of political subdivisions to comply with any
2 10 state mandates included in the bill.
2 11 The bill takes effect July 1, 2011.
2 12 LSB 1802SS 82
2 13 kh:nh/gg/14.1



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Senate Study Bill 1262

SENATE FILE
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON COURTNEY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to whistleblower complaints received by the
- 2 citizens' aide.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2770XC 82
- 5 ec/je/5



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Senate Study Bill 1262 continued

PAG LIN

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

1 3 2C.11A SUBJECTS FOR INVESTIGATIONS == DISCLOSURES OF
1 4 INFORMATION.

1 5 The office of citizens' aide ~~shall investigate~~ may receive
1 6 a complaint filed by an employee who is not a merit system
1 7 employee or an employee covered by a collective bargaining
1 8 agreement and who alleges that adverse employment action has
1 9 been taken against the employee in violation of section
1 10 70A.28, subsection 2. A complaint filed pursuant to this
1 11 section shall be made within thirty calendar days following
1 12 the effective date of the adverse employment action. The
1 13 citizens' aide shall review the complaint and make a
1 14 determination of whether to investigate the matter pursuant to
1 15 the requirements of section 2C.12. The citizens' aide shall,
1 16 in an expeditious manner, either issue a report indicating
1 17 that the citizens' aide declined to investigate the complaint
1 18 and the reason for that decision or investigate the matter and
1 19 shall issue a report with findings relative to the complaint
1 20 in an expeditious manner. The report shall be issued to the
1 21 employee and to the director or head of the employee's agency,
1 22 or to the governor if the agency director or head is the
1 23 subject of the investigation, and to the legislative oversight
1 24 committee.

1 25 Sec. 2. Section 70A.28, subsection 6, Code 2007, is
1 26 amended to read as follows:

1 27 6. Subsection 2 may also be enforced by an employee
1 28 through an administrative action pursuant to the requirements
1 29 of this subsection if the employee is not a merit system
1 30 employee or an employee covered by a collective bargaining
1 31 agreement. An employee eligible to pursue an administrative
1 32 action pursuant to this subsection who is discharged,
1 33 suspended, demoted, or otherwise reduced in pay and who
1 34 believes the adverse employment action was taken as a result
1 35 of the employee's disclosure of information that was



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Senate Study Bill 1262 continued

2 1 authorized pursuant to subsection 2, may file an appeal of the
2 2 adverse employment action with the public employment relations
2 3 board within thirty calendar days following the later of the
2 4 effective date of the action or the date a ~~finding~~ report is
2 5 issued to the employee by the office of the citizens' aide
2 6 pursuant to section 2C.11A. The ~~findings~~ report issued by the
2 7 citizens' aide may be introduced as evidence before the public
2 8 employment relations board but the citizens' aide or any
2 9 member of the citizens' aide staff shall not be compelled to
2 10 testify before the board with respect to the report. The
2 11 employee has the right to a hearing closed to the public, but
2 12 may request a public hearing. The hearing shall otherwise be
2 13 conducted in accordance with the rules of the public
2 14 employment relations board and the Iowa administrative
2 15 procedure Act, chapter 17A. If the public employment
2 16 relations board finds that the action taken by the person
2 17 appointing the employee was in violation of subsection 2, the
2 18 employee may be reinstated without loss of pay or benefits for
2 19 the elapsed period, or the public employment relations board
2 20 may provide other appropriate remedies. Decisions by the
2 21 public employment relations board constitute final agency
2 22 action.

2 23

EXPLANATION

2 24 This bill relates to whistleblower complaints submitted to
2 25 the office of citizens' aide. The bill provides that the
2 26 citizens' aide may decline to investigate a whistleblower
2 27 complaint in the same manner as the citizens' aide may decline
2 28 to investigate other complaints filed with the office. The
2 29 bill also requires the citizens' aide to issue a report if the
2 30 office declines to investigate a whistleblower complaint, with
2 31 the reason for that determination. The bill further provides
2 32 that the report issued by the citizens' aide, whether the
2 33 citizens' aide declines to investigate or does investigate and
2 34 issues findings, shall be provided to the
2 35 complainant=employee, the director or head of the employee's



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3 1 agency, or to the governor if the agency director or head is
3 2 the subject of the investigation, and to the legislative
3 3 oversight committee. The bill further provides that the
3 4 citizens' aide or any staff member of the citizens' aide shall
3 5 not be compelled to testify about any report it issues
3 6 relative to a whistleblower complaint before the public
3 7 employment relations board.
3 8 LSB 2770XC 82
3 9 ec:nh/je/5



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Senate Study Bill 1263

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



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Senate Study Bill 1263 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
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Senate Study Bill 1263 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



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Senate Study Bill 1263 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



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Senate Study Bill 1263 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
 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



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Senate Study Bill 1263 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



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Senate Study Bill 1264

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 creating the criminal offense of sexual solicitation of a
2 minor, providing for registration on the sex offender
3 registry, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1067XC 82
6 jm/es/88



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Senate Study Bill 1264 continued

PAG LIN

1 1 Section 1. Section 692A.1, subsection 5, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. o. Sexual solicitation of a minor in
1 4 violation of section 710.12.
1 5 Sec. 2. Section 692A.1, subsection 5, paragraph o, Code
1 6 2007, is amended to read as follows:
1 7 ~~e.~~ p. An indictable offense committed in another
1 8 jurisdiction which would constitute an indictable offense
1 9 under paragraphs "a" through ~~"n"~~ "o".
1 10 Sec. 3. NEW SECTION. 710.12 SEXUAL SOLICITATION OF A
1 11 MINOR.
1 12 1. As used in this section:
1 13 a. "Instant message" means a form of real-time
1 14 communication between two or more people based on typed text.
1 15 b. "Solicit" means to command, authorize, urge, entice,
1 16 request, or advise a person by any means including in person,
1 17 through an agent, over the telephone, through any print
1 18 medium, by mail, by computer or internet, by instant message,
1 19 or by any other electronic means.
1 20 2. A person shall not, with the intent to commit sexual
1 21 abuse or sexual exploitation, knowingly solicit a minor or a
1 22 person reasonably believed to be a minor, to engage in a
1 23 prohibited sex act.
1 24 3. For purposes of determining jurisdiction under section
1 25 803.1, an offense is considered committed in this state if the
1 26 solicitation of a minor or a person believed to be a minor who
1 27 is present in this state originates from another state, or the
1 28 solicitation of a minor or a person believed to be a minor
1 29 originates from this state.
1 30 4. A person who violates this section commits a class "C"
1 31 felony if the person solicited is a minor under thirteen years
1 32 of age or a person reasonably believed to be under thirteen
1 33 years of age.
1 34 5. A person who violates this section commits a class "D"
1 35 felony if the person solicited is a minor under sixteen years



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Senate Study Bill 1264 continued

2 1 of age or a person reasonably believed to be under sixteen
2 2 years of age.

2 3 EXPLANATION

2 4 This bill creates the criminal offense of sexual
2 5 solicitation of a minor.

2 6 The bill provides that a person shall not, with the intent
2 7 to commit sexual abuse or sexual exploitation, knowingly
2 8 solicit a minor or a person reasonably believed to be a minor,
2 9 to engage in a prohibited sex act.

2 10 Under the bill, "solicit" means to command, authorize,
2 11 urge, entice, request, or advise a person by any means,
2 12 including in person, through an agent, over the telephone,
2 13 through any print medium, by mail, by computer or internet, by
2 14 instant message, or by any other electronic means.

2 15 The bill also provides that a person who commits sexual
2 16 solicitation of a minor shall register as a sex offender.

2 17 The bill is not applicable to a minor 16 years of age or
2 18 older because sex acts with a minor 16 years of age or older
2 19 are not prohibited under Code section 709.4 (sexual abuse) or
2 20 728.12 (sexual exploitation).

2 21 A sex act is defined in Code section 702.17.

2 22 A person who violates the bill commits a class "C" felony
2 23 if the person solicited is a minor under 13 years of age or a
2 24 person reasonably believed to be under 13 years of age.

2 25 A person who violates the bill commits a class "D" felony
2 26 if the person solicited is a minor under 16 years of age or a
2 27 person reasonably believed to be under 16 years of age.

2 28 A class "C" felony is punishable by confinement for no more
2 29 than 10 years and a fine of at least \$1,000 but not more than
2 30 \$10,000. A class "D" felony is punishable by confinement for
2 31 no more than five years and a fine of at least \$750 but no
2 32 more than \$7,500.

2 33 LSB 1067XC 82

2 34 jm:nh/es/88



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Senate Study Bill 1265

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the assessment of civil and criminal court
- 2 fees and penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1374DP 82
- 5 jm/je/5



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Senate Study Bill 1265 continued

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1 1 Section 1. Section 602.8106, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. h. For a motion to show cause in a
1 4 probation revocation, the fee shall be the same amount as the
1 5 fee for filing and docketing a complaint, information, or
1 6 citation for the underlying case from which the motion arises.

1 7 Sec. 2. Section 633.31, subsection 2, paragraph c, Code
1 8 2007, is amended to read as follows:

1 9 c. For filing and indexing a transcript ~~5.00~~
1 10 50.00

1 11 Sec. 3. Section 908.11, Code 2007, is amended by adding
1 12 the following new subsection:

1 13 NEW SUBSECTION. 5. If the court revokes the probation of
1 14 a defendant who receives a deferred judgment, the court shall
1 15 not rescind or modify the civil penalty assessed pursuant to
1 16 section 907.14.

EXPLANATION

1 17 This bill relates to assessing civil and criminal court
1 18 fees and penalties.

1 19 The bill provides that the clerk of the district court
1 20 shall collect a fee upon the filing of a motion to show cause
1 21 in a probation revocation proceeding equal to the fee for
1 22 filing and docketing a complaint, information, or citation in
1 23 the underlying case from which the motion arises.

1 24 The bill increases the fee for filing and indexing a
1 25 transcript in a probate proceeding from \$5 to \$50.

1 26 Under the bill, if the court revokes the probation of a
1 27 defendant who receives a deferred judgment, the court shall
1 28 not rescind or modify the civil penalty assessed against that
1 29 person pursuant to Code section 907.14.

1 30 LSB 1374DP 82

1 31 jm:nh/je/5



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Senate Study Bill 1266

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

A BILL FOR

- 1 An Act creating the criminal offense of indecent exposure through
- 2 a webcam, and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1897XC 82
- 5 jm/es/88



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Senate Study Bill 1266 continued

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1 1 Section 1. NEW SECTION. 709.9A INDECENT EXPOSURE THROUGH
1 2 A WEBCAM.

1 3 1. As used in this section, "webcam" means a real-time
1 4 camera that can transmit images through the internet.

1 5 2. A person commits indecent exposure through a webcam in
1 6 the first degree if the person exposes the person's genitals
1 7 or pubes through a webcam to a minor or a person believed to
1 8 be a minor, or commits a sex act intended to be viewed through
1 9 a webcam by a minor or a person believed to be a minor, and
1 10 the act is intended to arouse or satisfy the sexual desires of
1 11 either party. For purposes of this subsection, "minor" means
1 12 a person under fourteen years of age.

1 13 3. A person commits indecent exposure through a webcam in
1 14 the second degree if the person exposes the person's genitals
1 15 or pubes through a webcam to another person, or commits a sex
1 16 act intended to be viewed through a webcam by another person,
1 17 and the act is intended to arouse or satisfy the sexual
1 18 desires of either party, and the person knows or reasonably
1 19 should know that the act is offensive to the viewer.

1 20 4. A person who violates this section commits a serious
1 21 misdemeanor.

1 22 EXPLANATION

1 23 This bill relates to the criminal offense of indecent
1 24 exposure through a webcam.

1 25 The bill creates the criminal offense of indecent exposure
1 26 through a webcam. The bill defines "webcam" to mean a
1 27 real-time camera that can transmit images through the
1 28 internet.

1 29 Under the bill, a person commits indecent exposure through
1 30 a webcam in the first degree if the person exposes the
1 31 person's genitals or pubes through a webcam to a minor or a
1 32 person believed to be a minor, or commits a sex act intended
1 33 to be viewed through a webcam by a minor or a person believed
1 34 to be a minor, and the act is intended to arouse or satisfy
1 35 the sexual desires of either party. A person commits indecent



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2 1 exposure through a webcam in the first degree if the minor is
2 2 under 14 years of age.

2 3 Under the bill, a person commits indecent exposure through
2 4 a webcam in the second degree under the same circumstances as
2 5 indecent exposure through a webcam in the first degree except
2 6 the exposure may be to another person of any age and the
2 7 person knows or reasonably should know that the act is
2 8 offensive to the viewer.

2 9 A person who violates the bill commits a serious
2 10 misdemeanor.

2 11 A serious misdemeanor is punishable by confinement for no
2 12 more than one year and a fine of at least \$315 but not more
2 13 than \$1,875.

2 14 LSB 1897XC 82

2 15 jm:nh/es/88



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Senate Study Bill 1267

SENATE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON FRAISE)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to cooperative associations, by providing for
- 2 documentation, including certificates and statements.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2264SC 82
- 5 da/je/5



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Senate Study Bill 1267 continued

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1 1 Section 1. Section 499.15, Code 2007, is amended to read
1 2 as follows:

1 3 499.15 CONTENTS OF CERTIFICATES.

1 4 The association ~~shall~~ may issue certificates of membership
1 5 or stock, each of which states the fixed dividend, if any, and
1 6 the restrictions or limitations upon its ownership, voting,
1 7 transfer, redemption, or cancellation.

1 8 Sec. 2. Section 499.16, Code 2007, is amended to read as
1 9 follows:

1 10 499.16 SUBSCRIPTIONS == ISSUING CERTIFICATES.

1 11 If permitted by the association's articles of
1 12 incorporation, any eligible subscriber for common stock or
1 13 membership may vote and be treated as a member after making
1 14 part payment of the amount, if any, required to be paid for
1 15 the common stock or membership in cash, giving the
1 16 subscriber's note for the balance, and satisfying any other
1 17 requirement for the subscription as set forth in the articles.
1 18 A subscription may be forfeited as provided in section 499.32.
1 19 Stock or a membership ~~certificate~~ shall not be issued until
1 20 payment of the amount, if any, required to be paid for the
1 21 stock or membership ~~certificate~~ is fully made. A subscriber
1 22 shall not hold office until the ~~subscriber's certificate~~
1 23 association has been issued the subscriber stock or
1 24 membership.

1 25 Sec. 3. Section 499.17, Code 2007, is amended to read as
1 26 follows:

1 27 499.17 TRANSFER OF STOCK OR MEMBERSHIP.

1 28 No common stock shall be transferable, unless the articles
1 29 expressly provide for transfer to others eligible for
1 30 membership. Such provision may require that the transfer be
1 31 preceded by an offer to the association, or be otherwise
1 32 restricted. No nonstock membership shall be transferable, and
1 33 all if the association issues certificates thereof of
1 34 membership or stock to a member, the certificates shall be
1 35 surrendered to the association on the member's voluntary



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2 1 withdrawal.

2 2 Sec. 4. Section 499.44, subsection 3, Code 2007, is
2 3 amended to read as follows:

2 4 3. Articles of incorporation, amendments to articles, or
2 5 renewal of articles must be filed with the secretary of state,
~~2 6 and recorded in the county where the association has its~~
~~2 7 principal place of business, as required by the general~~
~~2 8 corporation laws.~~ The association's corporate existence shall
2 9 begin upon approval by the secretary of state of the articles
2 10 and issuance of the certificate of incorporation.

2 11 Sec. 5. Section 499.47, subsection 3, Code 2007, is
2 12 amended to read as follows:

2 13 3. Upon the expiration or voluntary dissolution of an
2 14 association, the members shall designate three of their number
2 15 as trustees to replace the officers and directors and wind up
2 16 its affairs. The trustees shall have all the powers of the
2 17 board, including the power to sell and convey real or personal
2 18 property and execute conveyances. Within the time fixed in
2 19 their designation, or any extension of that time, the trustees
2 20 shall liquidate the association's assets, pay its debts and
2 21 expenses, and distribute remaining funds among the members.
2 22 Upon distribution of remaining assets the association shall
2 23 stand dissolved and cease to exist. The trustees shall make
2 24 and sign a duplicate report of the dissolution. One copy of
2 25 the report shall be filed with the secretary of state ~~and one~~
~~2 26 copy of the report shall be filed with the recorder of the~~
~~2 27 county where the articles were recorded.~~

2 28 Sec. 6. NEW SECTION. 499.73A CHANGE OF PRINCIPAL OFFICE.

2 29 An association may change its principal office by
2 30 delivering to the secretary of state for filing a statement of
2 31 change that sets forth all of the following:

- 2 32 1. The name of the association.
- 2 33 2. The street address of its current principal office.
- 2 34 3. The street address of its new principal office.

2 35 EXPLANATION



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3 1 This bill amends provisions relating to cooperative
3 2 associations organized under Code chapter 499. Code section
3 3 499.15 requires that an association issue certificates of
3 4 membership or stock. The bill permits an association to issue
3 5 a certificate, but eliminates the requirement. It retains
3 6 related requirements that prevents a cooperative from issuing
3 7 stock or a membership until payment for the interest is made,
3 8 and prevent a subscriber from holding office until the
3 9 association issues the stock or membership, but eliminates
3 10 references to certificates.

3 11 Code section 499.44 currently requires that articles of
3 12 incorporation, amendments to articles, or the renewal of
3 13 articles must be filed with the secretary of state and in the
3 14 county where the association has its principal place of
3 15 business. The bill eliminates the requirement that articles
3 16 of incorporation be filed with a county recorder. Code
3 17 section 499.47 provides a related requirement that trustees
3 18 winding up the affairs of an association during dissolution
3 19 file a report with the secretary of state and the county
3 20 recorder. The bill eliminates the requirement for filing the
3 21 report with the county recorder.

3 22 Code section 499.40 provides that a cooperative's articles
3 23 of incorporation must provide the address of its principal
3 24 office. The bill provides that a cooperative that changes its
3 25 principal office must notify the secretary of state of the
3 26 change, instead of presumably amending its articles of
3 27 incorporation, and filing the amendment with the secretary of
3 28 state. The process would be similar to a cooperative changing
3 29 the name of its registered office or agent under Code section
3 30 499.73.

3 31 LSB 2264SC 82

3 32 da:nh/je/5



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Senate Study Bill 1268

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to certain elections regarding city utilities or
- 2 combined utility systems.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2048SC 82
- 5 sc/gg/14



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Senate Study Bill 1268 continued

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1 1 Section 1. Section 388.2, unnumbered paragraph 2, Code
1 2 2007, is amended to read as follows:
1 3 ~~The~~ Upon the council's own motion, the proposal may be
1 4 submitted to the voters at ~~any~~ the regular city election ~~by~~
~~1 5 the council on its own motion or at a special election called~~
1 6 for that purpose. Upon receipt of a valid petition as defined
1 7 in section 362.4, requesting that a proposal be submitted to
1 8 the voters, the council shall submit the proposal at the next
1 9 regular city election.

1 10 EXPLANATION

1 11 This bill specifies that a proposal to establish, acquire,
1 12 lease, dispose of, or undertake or discontinue operation of a
1 13 city utility or to establish or dissolve a combined utility
1 14 system or to establish or discontinue a utility board, which
1 15 proposal is submitted to the voters by the city council's own
1 16 motion, and not by petition, may be submitted at either the
1 17 regular city election or at a special election.

1 18 LSB 2048SC 82

1 19 sc:nh/gg/14



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Senate Study Bill 1269

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for energy performance-based contracts for
- 2 certain public entities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1977SC 82
- 5 rn/cf/24



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1 1 Section 1. NEW SECTION. 297A.1 STATE POLICY.
1 2 The general assembly finds that investment in energy
1 3 conservation measures by public facilities can reduce the
1 4 amount of energy consumed by the facilities and produce both
1 5 immediate and long-term cost savings. It is the policy of
1 6 this state to encourage school districts, area education
1 7 agencies, community colleges, public universities,
1 8 municipalities, counties, and state institutions, and other
1 9 applicable political subdivisions to invest in facility
1 10 technology infrastructure upgrades and energy conservation
1 11 measures that reduce energy consumption, produce operational
1 12 cost savings, or improve the quality of indoor air, or, when
1 13 economically feasible, to build, operate, maintain, or
1 14 renovate public facilities in a manner which will minimize
1 15 operational costs and maximize energy savings. It is
1 16 additionally the policy of this state to encourage
1 17 reinvestment of these savings resulting from energy
1 18 conservation measures and facility technology infrastructure
1 19 upgrades into additional and continued energy conservation
1 20 efforts, including but not limited to instructional computer
1 21 hardware, software, and other technology, equipment, or
1 22 training needed to maintain or operate technology systems.
1 23 Sec. 2. NEW SECTION. 297A.2 DEFINITIONS.
1 24 As used in this chapter, unless the context otherwise
1 25 requires:
1 26 1. "Energy conservation measure", "facility improvement
1 27 measure", or "facility technology infrastructure upgrade"
1 28 means an employee training program, facility alteration, or
1 29 equipment to be used in construction, including an addition to
1 30 an existing facility, that reduces energy consumption and
1 31 operational costs, and includes but is not limited to any of
1 32 the following:
1 33 a. Insulation of the facility structure or systems within
1 34 the facility.
1 35 b. Storm windows or doors, caulking or weather stripping,



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Senate Study Bill 1269 continued

2 1 multiple-glazed windows or doors, heat-absorbing or
2 2 heat-reflective glazed and coated window or door systems,
2 3 additional glazing, reductions in glass area, or other window
2 4 and door system modifications that reduce energy consumption.
2 5 c. Automated or computerized energy control systems
2 6 including related software-required network communication
2 7 wiring, computer devices, or wiring and support services for
2 8 building maintenance or delivery of energy conservation
2 9 services. Energy control system technology infrastructure may
2 10 be used, as applicable, for other public entity technology
2 11 needs.
2 12 d. Heating, ventilating, or air conditioning system
2 13 modifications or replacements.
2 14 e. Replacement or modification of lighting fixtures to
2 15 increase the energy efficiency of the lighting system which,
2 16 at a minimum, shall conform to the applicable state or local
2 17 building code.
2 18 f. Energy recovery systems.
2 19 g. Renewable energy systems, such as but not limited to
2 20 solar, biomass, and wind energy systems.
2 21 h. Devices that reduce or monitor water consumption or
2 22 sewer charges.
2 23 i. Any measure not otherwise defined that produces energy
2 24 consumption or operational cost savings or efficiencies.
2 25 If any measure results in an increase in revenue to the
2 26 public entity, this revenue may also be used in the economic
2 27 justification for a project.
2 28 2. "Energy consumption or operational cost savings" means
2 29 a measured reduction in fuel or energy consumption, or
2 30 operation and maintenance cost savings, created from the
2 31 implementation of one or more energy conservation measures or
2 32 facility technology infrastructure upgrades when compared with
2 33 an established baseline for previous fuel or energy
2 34 consumption, or operation and maintenance costs. Reduction in
2 35 staff may not be included as an operational cost savings.



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3 1 3. "Energy performance-based contract" means a contract
3 2 for the recommendation and implementation of energy
3 3 conservation measures, facility improvement measures, or
3 4 facility technology infrastructure upgrades which includes, at
3 5 a minimum, all of the following:

3 6 a. The design and installation of equipment to implement
3 7 one or more energy conservation measures, facility improvement
3 8 measures, or facility technology infrastructure upgrades, and,
3 9 if applicable, operation and maintenance of such measures or
3 10 upgrades.

3 11 b. The amount of any actual annual energy consumption or
3 12 operational cost savings. The amount shall be guaranteed in
3 13 the contract by the qualified provider and shall be verified
3 14 by a licensed professional engineer or registered architect
3 15 who is not employed with the qualified provider. This
3 16 verification shall follow the process utilized by the
3 17 international performance measurement and verification
3 18 protocol.

3 19 4. "Energy performance-based evaluation" means performance
3 20 of an energy audit, data collection, or other related analyses
3 21 preliminary to the undertaking of energy conservation
3 22 measures, facility improvement measures, or facility
3 23 technology infrastructure upgrades, and maintenance of project
3 24 monitoring and data collection to verify postinstallation
3 25 energy consumption and energy-related operating costs. Any
3 26 cost for support services for building maintenance or delivery
3 27 of energy conservation services that will continue beyond the
3 28 length of an energy performance-based contract shall be
3 29 identified specifically in the energy performance-based
3 30 evaluation.

3 31 5. "Maintenance cost savings" means verified operating
3 32 expenses eliminated and future capital replacement
3 33 expenditures avoided as a result of new equipment installed or
3 34 services performed by the qualified provider, including but
3 35 not limited to savings which can be measured by an itemization



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4 1 of the maintenance cost savings between operational savings
4 2 and personnel savings.
4 3 6. "Public entity" means a school district as described in
4 4 chapter 274, area education agency as described in chapter
4 5 273, community college as defined in chapter 260C, public
4 6 university, city, county, or state agency.
4 7 7. "Qualified provider" means a business that has been
4 8 qualified by the department of natural resources or accredited
4 9 by the national association of energy service companies. The
4 10 department shall adopt rules pursuant to chapter 17A to
4 11 establish a qualifications process and criteria which shall
4 12 include consideration of accreditation by the national
4 13 association of energy service companies.
4 14 Sec. 3. NEW SECTION. 297A.3 REQUESTS FOR PROPOSALS AND
4 15 EVALUATION.
4 16 1. Prior to entering into an energy performance-based
4 17 contract as provided in section 297A.4, a public entity shall
4 18 announce a request for proposals. A request for proposals
4 19 shall be advertised for public bidding and let publicly. A
4 20 public entity shall administer the public bidding and letting,
4 21 requesting innovative solutions and proposals for energy
4 22 conservation measures and facility technology infrastructure
4 23 upgrades. Proposals submitted shall be sealed. The request
4 24 for proposals shall include, at a minimum, all of the
4 25 following:
4 26 a. Name and address of the public entity.
4 27 b. Name, address, title, and telephone number of a contact
4 28 person for the public entity.
4 29 c. Notice indicating that the public entity is requesting
4 30 qualified providers to propose energy conservation measures
4 31 and facility technology infrastructure upgrades to be provided
4 32 pursuant to an energy performance-based contract.
4 33 d. A request for qualified provider documentation of
4 34 accreditation by the national association of energy service
4 35 companies or qualification by the department.



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5 1 e. Date, time, and place where proposals must be received.

5 2 f. Evaluation matrix for assessing the proposals.

5 3 g. A request for qualified provider documentation of

5 4 ability to provide training and follow-up instruction to

5 5 public entity employees regarding routine and normal

5 6 maintenance of any equipment or system installed or altered by

5 7 an energy audit and regarding the repair or installation of

5 8 new or existing equipment, for the duration of the performance

5 9 guarantee bond or energy performance-based contract.

5 10 h. Any other stipulations and clarifications the public

5 11 entity may require.

5 12 2. a. Sealed proposals shall be opened by a designated

5 13 member or employee of the governing body of the public entity

5 14 at a public meeting during which the contents of the proposals

5 15 shall be announced.

5 16 b. The public entity shall evaluate any sealed proposal

5 17 from a qualified provider. The public entity shall analyze

5 18 each qualified provider's estimate of design, engineering,

5 19 installation, maintenance, repairs, debt service, conversions

5 20 to a different energy or fuel source, and postinstallation

5 21 project monitoring, data collection, and reporting. The

5 22 evaluation shall include a detailed analysis of whether the

5 23 energy consumed or operating costs, or both, will be reduced.

5 24 c. Each person submitting a sealed proposal must receive

5 25 at least ten days' notice of the time and place of the public

5 26 meeting at which the public entity proposed to award an energy

5 27 performance-based contract pursuant to section 297A.4.

5 28 Sec. 4. NEW SECTION. 297A.4 AWARD OF ENERGY

5 29 PERFORMANCE-BASED CONTRACT.

5 30 1. a. A public entity shall select a qualified provider

5 31 that best meets the needs of the public entity based on a life

5 32 cycle cost analysis as defined in section 470.1. A public

5 33 entity may enter into an energy performance-based contract

5 34 with a qualified provider if it finds, after evaluating the

5 35 proposal pursuant to section 297A.3, that the total amount the



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6 1 public entity would spend on the design, implementation,
6 2 financing, and performance management of the energy
6 3 conservation measures, facility improvement measures, or
6 4 facility technology infrastructure upgrades and modernization
6 5 measures recommended in the proposal would not exceed the
6 6 amount of energy consumption or operational cost savings, or
6 7 both, within a twenty-year period from the date of
6 8 installation of such measures or upgrades, based on a life
6 9 cycle cost analysis, if the recommendations in the proposal
6 10 are followed. The useful life of the equipment of each
6 11 individual improvement must be within the length of the
6 12 contract.

6 13 b. After completing its evaluation of the proposals
6 14 received pursuant to section 297A.3, the public entity shall
6 15 provide public notice of the public meeting at which it
6 16 proposes to award an energy performance-based contract. The
6 17 public notice shall contain the names of the parties to the
6 18 proposed contract and the purpose of the contract. The public
6 19 notice shall be published at least ten days prior to the
6 20 public meeting.

6 21 2. A public entity may enter into a financing agreement as
6 22 provided in sections 473.19, 473.20, and 473.20A for purchase
6 23 and installation of energy conservation measures, facility
6 24 improvement measures, or facility technology infrastructure
6 25 upgrades, or may secure financing through a third party for
6 26 the purchase and installation of energy conservation measures,
6 27 facility improvement measures, or facility technology
6 28 infrastructure upgrades. Energy performance-based contracts
6 29 may extend beyond the fiscal year in which they become
6 30 effective, and may be automatically renewed annually for up to
6 31 twenty years.

6 32 3. A qualified provider shall be responsible for the
6 33 measurement and verification of the savings generated by the
6 34 energy conservation measures, facility improvement measures,
6 35 or facility technology infrastructure upgrades. A public



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7 1 entity may have these savings verified by a qualified
7 2 independent third party on an annual basis. The verification
7 3 shall also include an annual reconciliation of the guaranteed
7 4 energy consumption and operational cost savings for the life
7 5 of any financing agreement obligations or until the project is
7 6 repaid from energy and operational savings. The cost of this
7 7 verification shall be a part of an ongoing contract with the
7 8 qualified provider. A business or person accredited by the
7 9 national association of energy service companies shall be
7 10 qualified in Iowa.

7 11 4. The selected qualified provider shall provide a one
7 12 hundred percent performance guarantee bond to the public
7 13 entity for the installation and faithful performance of the
7 14 installed energy conservation measures, facility improvement
7 15 measures, or facility technology infrastructure upgrades as
7 16 outlined in the energy performance-based contract.

7 17 5. A public entity has the right to terminate an energy
7 18 performance-based contract at any time provided that written
7 19 notice to the qualified provider is provided at least sixty
7 20 days prior to termination. A qualified provider shall include
7 21 clear statements and requirements regarding contract
7 22 termination as part of the contract documentation. The
7 23 documentation shall clearly state the options of the public
7 24 entity to satisfy the contract early and include all
7 25 associated costs. The documentation shall also state the
7 26 rights of a public entity under a contract for terminating the
7 27 contract due to nonperformance, and for listing all costs and
7 28 responsibilities for payment of any remaining debt associated
7 29 with energy consumption and operational cost savings already
7 30 implemented. The information and associated costs described
7 31 in this subsection shall be provided to a public entity before
7 32 an energy performance-based contract is approved.

7 33 6. An energy performance-based contract shall include a
7 34 written guarantee by a qualified provider regarding the amount
7 35 of any actual energy consumption and operational cost savings.



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8 1 The guarantee shall meet or exceed the total annual contract
8 2 payments, including financing charges, made by the public
8 3 entity over the life of the contract. A qualified provider
8 4 shall reimburse a public entity for any shortfall of
8 5 guaranteed energy consumption and operational cost savings
8 6 projected in the contract. Actual savings documentation shall
8 7 be reconciled on an annual basis as provided in the contract.
8 8 Savings shortfalls shall be made whole by the qualified
8 9 provider within sixty days. Excess documented and mutually
8 10 agreed upon savings may be carried over to future years. A
8 11 qualified provider shall guarantee the savings for the length
8 12 of the contract. An energy performance-based contract may
8 13 provide for payments over a period of time, not to exceed
8 14 twenty years.

8 15 7. Nothing in this chapter shall be construed to prohibit
8 16 public entities from utilizing savings resulting from energy
8 17 conservation measures, in excess of the amount needed to pay
8 18 for the measures, for discretionary budget operations
8 19 including but not limited to school instructional computer
8 20 hardware, software, technology training, upgrades, or other
8 21 similar uses.

8 22 8. If an energy performance-based contract entered into by
8 23 a public entity results in the layoff of union bargaining unit
8 24 members, the public entity shall notify the union within sixty
8 25 days of an implementation which would affect bargaining unit
8 26 positions. If, as a result of a layoff procedure where
8 27 positions are eliminated or hours of work are reduced,
8 28 benefits are affected or other subjects covered in a
8 29 collective bargaining agreement are impacted, the public
8 30 entity shall offer the affected employees other employment
8 31 within the public entity. Other employment shall first be
8 32 sought within the affected employee's department and county of
8 33 employment. Affected employees shall not be subject to loss
8 34 of pay or employment based on the initiation of an energy
8 35 performance-based contract.

9 1 EXPLANATION

9 2 This bill allows public entities, through a request for
9 3 proposals process, to enter into energy performance-based
9 4 contracts with qualified providers for purposes of undertaking
9 5 one or more energy conservation measures, facility improvement
9 6 measures, or facility technology infrastructure upgrades.

9 7 The bill provides that a public entity may enter into an
9 8 energy performance-based contract with a qualified provider if
9 9 it finds, after evaluating the proposal, that the total amount
9 10 it would spend on the design, implementation, financing, and
9 11 performance management of the energy conservation measures,
9 12 facility improvement measures, or facility technology
9 13 infrastructure upgrades recommended in the proposal would not
9 14 exceed the amount of either energy consumption or operational
9 15 cost savings, or both, within a 20-year period from the date
9 16 of installation, based on life cycle and performance analyses,
9 17 if the recommendations in the proposal are followed.

9 18 The bill provides that a qualified provider shall be
9 19 responsible for the measurement and verification of the
9 20 savings generated by the energy conservation measures,
9 21 facility improvement measures, or facility technology



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9 22 infrastructure upgrades. The bill provides that a public
9 23 entity shall have these savings verified by a qualified
9 24 independent third party. The bill provides that a public
9 25 entity has the right to terminate an energy performance-based
9 26 contract at any time provided that written notice to the
9 27 qualified provider is provided at least 60 days prior to
9 28 termination.

9 29 The bill provides that an energy performance-based contract
9 30 shall include a written guarantee by a qualified provider of
9 31 the amount of any actual energy consumption and operational
9 32 cost savings. The bill provides that a qualified provider
9 33 shall reimburse a public entity for any shortfall of
9 34 guaranteed energy consumption and operational savings
9 35 projected in the contract. The bill provides that a qualified



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10 1 provider shall guarantee the savings for the length of the
10 2 contract and shall also provide the public entity with 100
10 3 percent performance bonds for installation, construction, and
10 4 retrofit projects.

10 5 The bill specifies that these provisions shall not be
10 6 construed to prohibit public entities from utilizing savings
10 7 resulting from energy conservation measures for discretionary
10 8 budget operations, to the extent the savings exceed the amount
10 9 needed to pay for the measures.

10 10 The bill provides that if an energy performance-based
10 11 contract initiated by a public entity results in the layoff of
10 12 union bargaining unit members, the public entity shall notify
10 13 the union within 60 days of an implementation which would
10 14 affect bargaining unit positions. The bill contains
10 15 provisions regarding efforts to maintain employment in the
10 16 event of initiation of a layoff, and states that employees
10 17 shall not be subject to loss of pay or employment as a result
10 18 of initiating an energy performance-based contract.

10 19 LSB 1977SC 82

10 20 rn:nh/cf/24