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House Amendment 1105

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1 1 Amend Senate File 62, as passed by the Senate, as
 1 2 follows:
 1 3 #1. Page 10, by inserting after line 7 the
 1 4 following:
 1 5 <Sec. _____. Section 280.5, Code 2007, is amended to
 1 6 read as follows:
 1 7 280.5 DISPLAY OF UNITED STATES FLAG AND IOWA STATE
 1 8 FLAG == RECITATION OF PLEDGE OF ALLEGIANCE.
 1 9 1. The board of directors of each public school
 1 10 district and the authorities in charge of each
 1 11 nonpublic school shall provide and maintain a suitable
 1 12 flagstaff on each school site under its control, and
 1 13 the United States flag and the Iowa state flag shall
 1 14 be raised on all school days when weather conditions
 1 15 are suitable.
 1 16 2. The board of directors of each public school
 1 17 and the authorities in charge of each nonpublic school
 1 18 shall cause the pledge of allegiance to be recited at
 1 19 the beginning of each school day. Persons reciting
 1 20 the pledge of allegiance shall stand holding their
 1 21 right hand over their heart. A student shall not be
 1 22 compelled, against the student's objections or those
 1 23 of the student's parent or guardian, to recite the
 1 24 pledge of allegiance, but shall be required to
 1 25 maintain a respectful silence. A nonpublic school is
 1 26 exempt from this requirement if the authorities in
 1 27 charge of a nonpublic school determine that this
 1 28 requirement conflicts with the school's religious
 1 29 doctrines.>
 1 30 #2. By renumbering as necessary.
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House Amendment 1106

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1 1 Amend House File 498 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 7B.1 IOWA ENERGY
1 5 INDEPENDENCE ACT.
1 6 This chapter shall be known and may be cited as the
1 7 "Iowa Energy Independence Act".
1 8 Sec. 2. NEW SECTION. 7B.2 DEFINITIONS.
1 9 1. "Alternative and renewable energy" means energy
1 10 sources including but not limited to solar, wind
1 11 turbine, waste management, resource recovery,
1 12 recovered energy generation, refuse-derived fuel,
1 13 hydroelectric, agricultural crops or residues, and
1 14 woodburning, or relating to renewable fuel development
1 15 and distribution.
1 16 2. "Cellulosic biomass renewable fuel" means
1 17 renewable fuel derived from any lignocellulosic or
1 18 hemicellulosic matter that is available on a renewable
1 19 or recurring basis, including dedicated energy crops
1 20 and trees, wood and wood residues, plants, grasses,
1 21 agricultural residues, fibers, animal wastes, and
1 22 other waste material and municipal solid waste.
1 23 3. "Council" means the Iowa energy independence
1 24 advisory council established in section 7B.6.
1 25 4. "Director" means the director of the Iowa
1 26 energy independence office established in section
1 27 7B.4.
1 28 5. "Recovered energy generation" means a recycled
1 29 energy system, other than a system whose primary
1 30 purpose is the generation of electricity, which
1 31 produces electricity from currently unused waste heat
1 32 resulting from combustion or other processes and which
1 33 does not use an additional combustion process.
1 34 6. "Renewable fuel" means motor vehicle fuel that
1 35 meets any of the following conditions:
1 36 a. Is produced from grain, starch, oilseed,
1 37 vegetable, animal, or fish materials including fats,
1 38 greases, and oils, sugarcane, sugar beets, sugar
1 39 components, tobacco, potatoes, or other biomass, or is
1 40 natural gas produced from a biogas source including a
1 41 landfill, sewage waste treatment plant, feedlot, or
1 42 other place where decaying organic material is found.
1 43 b. Is used to replace or reduce the quantity of
1 44 fossil fuel present in a fuel mixture used to operate
1 45 a motor vehicle.
1 46 "Renewable fuel" includes cellulosic biomass
1 47 renewable fuel, waste-derived renewable fuel, and
1 48 biodiesel fuel and any blending components derived
1 49 from renewable fuel, provided that only the renewable
1 50 fuel portion of any such blending component shall be



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2 1 considered part of the applicable volume under the
2 2 renewable fuel program.
2 3 Sec. 3. NEW SECTION. 7B.3 PURPOSE.
2 4 The purpose for establishing the Iowa energy
2 5 independence Act is to enhance the quality of life of
2 6 the citizens of this state through increasing the
2 7 autonomy of the state as a self-sufficient source of
2 8 nonresource-depleting alternative or renewable energy,
2 9 the independence of the state from reliance upon
2 10 foreign sources of energy, and the efficiency of the
2 11 state in maximizing opportunities to achieve energy
2 12 efficiency through energy conservation measures and
2 13 practices and economic growth and new job creation.
2 14 Sec. 4. NEW SECTION. 7B.4 IOWA ENERGY
2 15 INDEPENDENCE OFFICE.
2 16 1. An Iowa energy independence office is
2 17 established to accomplish the purpose stated in
2 18 section 7B.3. The director of the office shall be
2 19 appointed by the governor, subject to confirmation by
2 20 the senate, and shall serve at the pleasure of the
2 21 governor. If the office of the director becomes
2 22 vacant, the vacancy shall be filled in the same manner
2 23 as provided for the original appointment. The
2 24 director shall serve as the governor's advisor
2 25 regarding state energy policy, and in performing that
2 26 function, and in exercising the responsibilities set
2 27 forth in subsection 2, shall recognize and observe the
2 28 autonomy of state agencies in relation to matters
2 29 within their scope of authority and shall focus on
2 30 policy recommendations to the governor and the members
2 31 of the general assembly rather than prescriptive or
2 32 regulatory actions impacting state agencies. The
2 33 director may hire a deputy director and support staff.
2 34 2. In serving as the state energy policy advisor,
2 35 the director shall develop policy recommendations
2 36 based on a review or coordination of the following:
2 37 a. Activities of the Iowa energy independence
2 38 advisory council established in section 7B.6.
2 39 b. All programs relating to energy independence in
2 40 this state which receive state appropriations.
2 41 c. State agency opportunities to identify and
2 42 secure federal, state, private, and nonprofit
2 43 foundation funding for energy efficiency, alternative
2 44 and renewable energy, and advanced technology energy
2 45 research projects and to coordinate use of such funds.
2 46 d. Consultation with congressional delegations
2 47 regarding federal energy policy, grant criteria, and
2 48 fund allocation to ensure that this state receives an
2 49 appropriate share of federal funding.
2 50 e. Assistance to local governments, small



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3 1 businesses, and community-based organizations in the
3 2 identification and securing of federal, state,
3 3 private, and nonprofit foundation funding for energy
3 4 efficiency, alternative and renewable energy
3 5 development, energy research, and other related energy
3 6 projects.
3 7 f. Preparation of the Iowa energy independence
3 8 plan as provided in section 7B.5.
3 9 g. Making presentations to private investors,
3 10 nonprofit foundations, and industry associations on
3 11 state programs for new alternative and renewable
3 12 energy technologies and investment opportunities in
3 13 research and technology deployment.
3 14 h. Formulation of recommendations to the governor
3 15 and the general assembly regarding changes in
3 16 programs, policies, legislation, and administrative
3 17 rules that may enhance state energy independence
3 18 efforts, including the elimination of programs or
3 19 transfer of programs to another agency.
3 20 i. Assistance with administration of the Iowa
3 21 power fund created in section 15J.1.
3 22 j. Conducting, in cooperation with the department
3 23 of public safety and the department of natural
3 24 resources, a study of green building standards. The
3 25 study shall be completed by January 1, 2009, and shall
3 26 include the following:
3 27 (1) Definition of green building standards,
3 28 including building design, construction, maintenance
3 29 techniques, building materials, and equipment
3 30 promoting energy efficiency, energy conservation,
3 31 utilization of renewable energy, and technology which
3 32 can be applied to the construction and maintenance of
3 33 new structures or rehabilitation of existing
3 34 structures.
3 35 (2) Development of performance objectives for
3 36 green buildings.
3 37 (3) Development of green building energy-efficient
3 38 design standards and the scope of their application,
3 39 and integration of energy-efficient design standards
3 40 into the state building code adopted pursuant to
3 41 chapter 103A and local building regulations.
3 42 (4) Determination of the current status of
3 43 enforcement of energy conservation requirements in
3 44 construction and methods for improving compliance with
3 45 those requirements.
3 46 (5) Development of training materials for building
3 47 code officials in energy-efficient design standards.
3 48 Sec. 5. NEW SECTION. 7B.5 IOWA ENERGY
3 49 INDEPENDENCE PLAN.
3 50 An Iowa energy independence plan shall be developed



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4 1 by the director in association with public and private
4 2 partners selected by the director and with the
4 3 assistance of the Iowa energy independence advisory
4 4 council established in section 7B.6. The goal of the
4 5 plan shall be to achieve energy independence from
4 6 foreign sources of energy by 2025. The first plan
4 7 shall be submitted to the governor and the members of
4 8 the general assembly by December 15, 2007, with
4 9 subsequent plans to be submitted every five years
4 10 thereafter, or more often if deemed necessary by the
4 11 director. The plan shall identify how the state can
4 12 accomplish the following:

4 13 1. Maximizing use of emerging technologies to
4 14 enhance energy efficiency and conservation and develop
4 15 alternative and renewable energy sources.

4 16 2. Enhancing the development of the state's
4 17 bioeconomy including but not limited to state-based
4 18 bioengineering and biorefining.

4 19 3. Encouraging private industry to invest in the
4 20 development of the state's bioeconomy including but
4 21 not limited to the design, production, maintenance,
4 22 and repair of state-based facilities.

4 23 4. Balancing the interests of crop, biomass,
4 24 livestock producers, biofuel, and other bioproduct
4 25 manufacturers, consistent with sustainable land use,
4 26 clean air, and clean water practices.

4 27 5. Identifying the road, rail, pipeline, and other
4 28 infrastructure modifications needed to enhance state
4 29 energy independence efforts.

4 30 6. Developing recommendations regarding regulatory
4 31 policy including utility renewable portfolio
4 32 standards, greenhouse gas emission standards, building
4 33 code standards, improved compliance and enforcement,
4 34 elimination of unnecessary rules, and streamlined
4 35 permitting that may enhance state energy independence
4 36 efforts consistent with sustainable land use, clean
4 37 air and clean water practices, and enforcement. The
4 38 recommendations shall include a cost analysis of the
4 39 recommended policy.

4 40 7. Structuring public and private education
4 41 policies including curriculum, research assistance,
4 42 and coordination of research among institutions and
4 43 private industry that may enhance state energy
4 44 independence efforts.

4 45 8. Reviewing and assessing the effectiveness of
4 46 state programs, including financial assistance
4 47 programs and tax policies, in enhancing state energy
4 48 independence efforts.

4 49 9. Identifying strategies to increase
4 50 affordability of energy for the low-income population



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5 1 in this state.
5 2 Sec. 6. NEW SECTION. 7B.6 IOWA ENERGY
5 3 INDEPENDENCE ADVISORY COUNCIL ESTABLISHED ==
5 4 MEMBERSHIP == DUTIES.
5 5 1. An Iowa energy independence advisory council is
5 6 created to assist the director in developing the Iowa
5 7 energy independence plan and to provide public energy
5 8 education and outreach. The council shall oversee and
5 9 coordinate energy efficiency and conservation efforts
5 10 for state agency facilities, in recognition of the
5 11 relative amount of goods and services consumed by
5 12 state government and the desirability of state
5 13 agencies leading by example in those efforts.
5 14 2. The council shall consist of eleven members
5 15 appointed by the governor, subject to confirmation by
5 16 the senate, as follows:
5 17 a. One member representing the Iowa utilities
5 18 board.
5 19 b. One member representing the Iowa energy center.
5 20 c. One member representing the Iowa farm bureau.
5 21 d. One member representing investor-owned
5 22 utilities.
5 23 e. One member representing rural electric
5 24 cooperatives.
5 25 f. One member representing a municipal utility.
5 26 g. One member representing the office of consumer
5 27 advocate.
5 28 h. Four members representing associations,
5 29 organizations, or departments based in this state with
5 30 demonstrated experience in the fields of economic
5 31 development, biofuels, research and development,
5 32 business and industry, or energy commercialization.
5 33 Members appointed by the governor are subject to
5 34 the requirements of sections 69.16, 69.16A, and 69.19,
5 35 and shall serve three-year staggered terms.
5 36 The Iowa energy independence office shall provide
5 37 staffing support to the council.
5 38 3. The council shall advise the director regarding
5 39 the following:
5 40 a. Iowa energy independence plan development and
5 41 administration of the Iowa power fund created in
5 42 section 15J.1.
5 43 b. Review of the progress reports submitted by
5 44 state agencies as described in subsection 4 and
5 45 development of policy recommendations based on that
5 46 review.
5 47 c. Recommendations for programs that encourage
5 48 greater consumer acceptance of biofuels, energy
5 49 efficiency, and conservation.
5 50 d. Recommendations for a public education and



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6 1 awareness campaign to ensure that all state citizens
6 2 can benefit from new alternative and renewable energy
6 3 programs, products, and investments.
6 4 e. Creation of a smart schools and smart
6 5 communities program to increase the awareness of
6 6 school districts and local governments regarding
6 7 energy efficiency measures to save money and reduce
6 8 their overall energy consumption.
6 9 4. a. The council shall cooperate with the
6 10 department of natural resources in obtaining copies of
6 11 the energy efficiency progress reports submitted by
6 12 state agencies to the department pursuant to executive
6 13 order number 41, 2005. As required pursuant to that
6 14 executive order, the reports shall document state
6 15 agency efforts to achieve the following:
6 16 (1) Identification and implementation of energy
6 17 efficiency measures as provided in section 473.13A,
6 18 including the reduction in energy consumption per
6 19 square foot in all state-owned facilities by an
6 20 average of fifteen percent by 2010 relative to 2000
6 21 levels, and retention and reinvestment of energy
6 22 savings realized in facility infrastructure needs.
6 23 (2) Compliance with sections 72.5 and 470.8
6 24 relating to implementation of a life cycle cost
6 25 analysis for new public facility construction or
6 26 renovation and the purchase of lowest life cycle cost
6 27 equipment.
6 28 (3) Procurement of at least ten percent of the
6 29 electric consumption for state-owned facilities from
6 30 alternate energy production facilities, as defined in
6 31 section 476.42, by 2010.
6 32 (4) Procurement of one hundred percent of the
6 33 nonlaw enforcement, light-duty vehicles by 2010 in the
6 34 form of alternative fuel vehicles or hybrid-electric
6 35 vehicles; and operation of flexible fuel vehicles on
6 36 E-85 fuel whenever an E-85 fueling facility is
6 37 available.
6 38 (5) Assurance that all bulk diesel fuel procured
6 39 has at least ten percent renewable content by 2008,
6 40 and twenty percent by 2010 if available, and assurance
6 41 that diesel vehicles operate on biodiesel blends
6 42 whenever such blends are available.
6 43 b. The council shall conduct a review of the
6 44 reports submitted pursuant to paragraph "a", cooperate
6 45 with the department regarding feedback and
6 46 recommendations to each agency regarding progress to
6 47 date and suggestions for modifications, and shall
6 48 submit policy objectives and recommendations to the
6 49 director based on the review.
6 50 Sec. 7. Section 8A.321, Code 2007, is amended by



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7 1 adding the following new subsection:

7 2 NEW SUBSECTION. 16. Review contracts for the
7 3 acquisition, construction, erection, alteration, or
7 4 repair of buildings and grounds for use by state
7 5 agencies pursuant to this section to ensure compliance
7 6 with state building code modifications and energy
7 7 efficiency standards incorporated into the Iowa energy
7 8 independence plan pursuant to section 7B.5, subsection
7 9 6.

7 10 Sec. 8. Section 8A.362, subsection 5, unnumbered
7 11 paragraph 1, Code 2007, is amended to read as follows:

7 12 ~~Of all~~ All new passenger vehicles and light pickup
7 13 trucks purchased by the director, ~~a minimum of ten~~
~~7 14 percent of all such vehicles and trucks purchased~~
7 15 shall be equipped with engines which utilize
7 16 alternative methods of propulsion including but not
7 17 limited to any of the following:

7 18 Sec. 9. Section 8A.362, subsection 9, Code 2007,
7 19 is amended to read as follows:

7 20 9. a. All fuel used in state-owned automobiles
7 21 shall be purchased at cost from the various
7 22 installations or garages of the state department of
7 23 transportation, state board of regents, department of
7 24 human services, or state motor pools throughout the
7 25 state, unless the state-owned sources for the purchase
7 26 of fuel are not reasonably accessible. If the
7 27 director determines that state-owned sources for the
7 28 purchase of fuel are not reasonably accessible, the
7 29 director shall authorize the purchase of fuel from
7 30 other sources. The director may prescribe a manner,
7 31 other than the use of the revolving fund, in which the
7 32 purchase of fuel from state-owned sources is charged
7 33 to the state agency responsible for the use of the
7 34 motor vehicle. The director shall prescribe the
7 35 manner in which oil and other normal motor vehicle
7 36 maintenance for state-owned motor vehicles may be
7 37 purchased from private sources, if they cannot be
7 38 reasonably obtained from a state motor pool. The
7 39 director may advertise for bids and award contracts in
7 40 accordance with competitive bidding procedures for
7 41 items and services as provided in this subchapter for
7 42 furnishing fuel, oil, grease, and vehicle replacement
7 43 parts for all state-owned motor vehicles. The
7 44 director and other state agencies, when advertising
7 45 for bids for gasoline, shall also seek bids for
7 46 ethanol blended gasoline.

7 47 b. Installations or garages of the state
7 48 department of transportation, state board of regents,
7 49 department of human services, or state motor pools
7 50 throughout the state, shall be equipped with motor



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8 1 fuel storage and dispensing infrastructure in the form
8 2 of a tank and motor fuel pumps necessary to keep and
8 3 dispense E=85 gasoline by 2009. The department shall
8 4 by rule establish E=85 gasoline usage standards
8 5 applicable to state employees driving or operating
8 6 state-owned vehicles and trucks other than vehicles
8 7 and trucks purchased and directly used for law
8 8 enforcement or purchased and used for off-road
8 9 maintenance work or to pull loaded trailers.

8 10 Sec. 10. Section 15.103, subsection 1, paragraph
8 11 a, Code 2007, is amended to read as follows:

8 12 a. The Iowa economic development board is created,
8 13 consisting of fifteen voting members appointed by the
8 14 governor and ~~seven~~ eight ex officio, nonvoting
8 15 members. The ex officio, nonvoting members are four
8 16 legislative members; one president, or the president's
8 17 designee, of the university of northern Iowa, the
8 18 university of Iowa, or Iowa state university of
8 19 science and technology designated by the state board
8 20 of regents on a rotating basis; and one president, or
8 21 the president's designee, of a private college or
8 22 university appointed by the Iowa association of
8 23 independent colleges and universities; ~~and~~ one
8 24 superintendent, or the superintendent's designee, of a
8 25 community college, appointed by the Iowa association
8 26 of community college presidents; and the director of
8 27 the Iowa energy independence office established in

8 28 section 7B.4. The legislative members are two state
8 29 senators, one appointed by the president of the
8 30 senate, after consultation with the majority leader of
8 31 the senate, and one appointed by the minority leader
8 32 of the senate, after consultation with the president
8 33 of the senate, from their respective parties; and two
8 34 state representatives, one appointed by the speaker
8 35 and one appointed by the minority leader of the house
8 36 of representatives from their respective parties. Not
8 37 more than eight of the voting members shall be from
8 38 the same political party. Beginning with the first
8 39 appointment to the board made after July 1, 2005, at
8 40 least one voting member shall have been less than
8 41 thirty years of age at the time of appointment. The
8 42 governor shall appoint the voting members of the board
8 43 for a term of four years beginning and ending as
8 44 provided by section 69.19, subject to confirmation by
8 45 the senate, and the governor's appointments shall
8 46 include persons knowledgeable of the various elements
8 47 of the department's responsibilities.

8 48 Sec. 11. NEW SECTION. 15J.1 IOWA POWER FUND.

8 49 1. An Iowa power fund is created in the state
8 50 treasury under the control of the department of
9 1 economic development. Moneys in the fund are not
9 2 subject to section 8.33. Notwithstanding section
9 3 12C.7, interest or earnings on moneys in the fund
9 4 shall be credited to the fund. The fund shall be
9 5 administered by the department, which shall make
9 6 expenditures from the fund consistent with this



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9 7 section and pertinent Acts of the general assembly in
9 8 coordination with the director of the Iowa energy
9 9 independence office established in section 7B.4, and
9 10 with the assistance of the Iowa energy independence
9 11 advisory council established in section 7B.6.
9 12 2. The purpose of the fund shall be to further the
9 13 goals of increasing the production and use of biofuels
9 14 and other renewable sources of energy, improving
9 15 energy efficiency, reducing greenhouse gas emissions,
9 16 and achieving energy independence for this state.
9 17 Distributions from the fund shall assist in the
9 18 achievement of these goals by accelerating research
9 19 and development, the transfer of knowledge,
9 20 technological innovations, improved economic
9 21 competitiveness, and the demand for and public
9 22 education in utilization of technological innovations
9 23 and approaches leading to energy efficiency.
9 24 3. The department, in consultation with the
9 25 director of the Iowa energy independence office and
9 26 the Iowa energy independence advisory council, shall
9 27 adopt rules specifying a request for proposals process
9 28 for making fund distributions to applicants from
9 29 private sector businesses located in this state
9 30 pledging to invest in the creation or enhancement of
9 31 alternative or renewable energy research, production
9 32 facilities, and jobs. Distributions shall commence by
9 33 December 2007. Applicants shall commit to the
9 34 following:
9 35 a. Assurance that state funding received shall be
9 36 matched by the applicant for venture capital and
9 37 business start-up expenses.
9 38 b. Provision of sufficient wages and benefits to
9 39 employees to provide an incentive to attract and
9 40 retain qualified employees.
9 41 c. Investment and expansion of existing or future
9 42 management functions and manufacturing plant locations
9 43 in this state, to the extent applicable.
9 44 4. The department may reclaim any state funds
9 45 invested if the commitments set forth in subsection 3
9 46 are not honored by an applicant receiving a
9 47 distribution from the fund, pursuant to procedures to
9 48 be adopted by rule.
9 49 Sec. 12. Section 103A.8A, Code 2007, is amended to
9 50 read as follows:



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10 1 103A.8A ENERGY CONSERVATION REQUIREMENTS.

10 2 The state building code commissioner shall adopt as

10 3 a part of the state building code a requirement that

10 4 new single-family or two-family residential

10 5 construction shall comply with energy conservation

10 6 requirements. The requirements adopted by the

10 7 commissioner shall be based upon a nationally

10 8 recognized standard or code for energy conservation.

10 9 The requirements shall only apply to single-family or

10 10 two-family residential construction commenced after

10 11 the adoption of the requirements. ~~This chapter shall~~

~~10 12 not be construed to prohibit a governmental~~

~~10 13 subdivision from adopting or enacting a minimum energy~~

~~10 14 standard which is substantially in accordance and~~

~~10 15 consistent with energy codes and standards developed~~

~~10 16 by a nationally recognized organization in effect on~~

~~10 17 or after July 1, 2002. A governmental subdivision~~

~~10 18 that adopts or enacts a minimum energy standard which~~

~~10 19 is substantially in accordance and consistent with~~

~~10 20 energy codes and standards developed by a nationally~~

~~10 21 recognized organization shall adopt or enact any~~

~~10 22 update or revision to the energy codes and standards.~~

10 23 Notwithstanding any other provision of this chapter to

10 24 the contrary, the energy conservation requirements

10 25 adopted by the commissioner and approved by the

10 26 council shall apply to new single-family or two-family

10 27 residential construction commenced on or after July 1,

10 28 2007, and shall supersede and replace any minimum

10 29 requirements for energy conservation adopted or

10 30 enacted by the governmental subdivision prior to that

10 31 date applicable to such construction.

10 32 Sec. 13. Section 103A.10, subsection 4, paragraph

10 33 a, Code 2007, is amended to read as follows:

10 34 a. Provisions of the state building code

10 35 establishing thermal efficiency energy conservation

10 36 standards shall be applicable to all new construction

10 37 ~~owned by the state, an agency of the state or a~~

~~10 38 political subdivision of the state, to all new~~

~~10 39 construction located in a governmental subdivision~~

~~10 40 which has adopted either the state building code or a~~

~~10 41 local building code or compilation of requirements for~~

~~10 42 building construction and to all other new~~

~~10 43 construction in the state which will contain more than~~

~~10 44 one hundred thousand cubic feet of enclosed space that~~

10 45 is heated or cooled.

10 46 Sec. 14. Section 103A.10, subsection 5, Code 2007,

10 47 is amended by striking the subsection and inserting in

10 48 lieu thereof the following:

10 49 5. Notwithstanding any other provision of this

10 50 chapter to the contrary, the energy conservation



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11 1 requirements adopted by the commissioner and approved
11 2 by the council shall apply to all new construction
11 3 commenced on or after July 1, 2007, and shall
11 4 supersede and replace any minimum requirements for
11 5 energy conservation adopted or enacted by the
11 6 governmental subdivision prior to that date and
11 7 applicable to such construction.

11 8 Sec. 15. Section 103A.22, subsection 1, Code 2007,
11 9 is amended to read as follows:

11 10 1. Nothing in this chapter shall be construed as
11 11 prohibiting any governmental subdivision from adopting
11 12 or enacting any building regulations relating to any
11 13 building or structure within its limits, but a
11 14 governmental subdivision in which the state building
11 15 code has been accepted and is applicable shall not
11 16 have the power to supersede, void, or repeal or make
11 17 more restrictive any of the provisions of this chapter
11 18 or of the rules adopted by the commissioner. This
11 19 subsection shall not apply to energy conservation
11 20 requirements adopted by the commissioner and approved
11 21 by the council pursuant to section 103A.8A or 103A.10.

11 22 Sec. 16. Section 266.39C, subsection 3, Code 2007,
11 23 is amended to read as follows:

11 24 3. Iowa state university of science and technology
11 25 shall employ a director for the center, who shall be
11 26 appointed by the president of Iowa state university of
11 27 science and technology. The director of the center
11 28 shall employ necessary research and support staff.

11 29 The director and staff shall be employees of Iowa
11 30 state university of science and technology. ~~No more~~
~~11 31 than seven hundred thousand dollars of the funds made~~
~~11 32 available by appropriation from state revenues in any~~
~~11 33 one year shall be expended by the center for the~~
~~11 34 salaries and benefits of the employees of the center,~~
~~11 35 including the salary and benefits of the director.~~
~~11 36 The limit on expenditures for salaries and benefits~~
~~11 37 shall be adjusted annually by a percentage equal to~~
~~11 38 the average percentage salary adjustment approved~~
~~11 39 annually by the state board of regents for~~
~~11 40 professional and scientific employees at Iowa state~~
~~11 41 university of science and technology. The remainder~~
~~11 42 of the funds appropriated from state funds~~ Funds
11 43 appropriated to the center shall be used to sponsor
11 44 research grants and projects submitted on a
11 45 competitive basis by Iowa colleges and universities
11 46 and private nonprofit agencies and foundations, and
11 47 for the salaries and benefits of the employees of the
11 48 center. The center may also solicit additional grants
11 49 and funding from public and private nonprofit agencies
11 50 and foundations.



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12 1 Sec. 17. Section 476.1A, subsection 7, Code 2007,
12 2 is amended by striking the subsection.
12 3 Sec. 18. Section 476.1A, unnumbered paragraph 2,
12 4 Code 2007, is amended by striking the numbered
12 5 paragraph.
12 6 Sec. 19. Section 476.1B, subsection 1, paragraph
12 7 1, Code 2007, is amended by striking the paragraph.
12 8 Sec. 20. Section 476.1B, subsection 2, Code 2007,
12 9 is amended by striking the subsection.
12 10 Sec. 21. Section 476.6, Code 2007, is amended by
12 11 adding the following new subsection:
12 12 NEW SUBSECTION. 18A. ENERGY EFFICIENCY
12 13 IMPLEMENTATION FOR OTHER GAS AND ELECTRIC UTILITIES.
12 14 1. a. All gas and electric public utilities that
12 15 are not subject to the provisions of subsections 16
12 16 through 18 shall offer energy efficiency programs to
12 17 their customers through board-approved energy
12 18 efficiency plans. The board shall permit these
12 19 utilities to file plans sponsored by the associations
12 20 to which they belong. Utility associations shall
12 21 develop energy efficiency plans that are tailored to
12 22 their membership. The utility may provide the energy
12 23 programs or the programs may be provided through a
12 24 contractor or agent of the utility, utilizing
12 25 contractors or agents in this state to the extent cost
12 26 effective.
12 27 b. An energy efficiency plan as a whole shall be
12 28 cost-effective. In determining the cost-effectiveness
12 29 of an energy efficiency plan, the board shall apply a
12 30 societal test and a participant test, as defined in
12 31 rules adopted by the board. Energy efficiency
12 32 programs for qualified low-income persons, tree
12 33 planting programs, and public education programs shall
12 34 not be subject to the societal or participant tests
12 35 and shall not be considered in determining
12 36 cost-effectiveness of plans as a whole.
12 37 c. All utilities shall file plans by January 15,
12 38 2009, and shall continue any existing plan until a new
12 39 plan is approved. The board by rule or order may
12 40 stagger the filings and require that some utilities
12 41 file at dates prior to December 31, 2008, but no
12 42 earlier than November 1, 2007. Utilities shall refile
12 43 their plans at least every five years.
12 44 2. a. All energy efficiency plans filed pursuant
12 45 to subsection 1 shall include a range of programs
12 46 tailored to the needs of a utility's various customer
12 47 classes. All energy efficiency plans shall also
12 48 include a program for qualified low-income persons.
12 49 b. An energy efficiency plan shall be deemed
12 50 approved within sixty days of filing, unless the board



Iowa General Assembly
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House Amendment 1106 continued

13 1 dockets the plan for contested case proceedings. A
13 2 plan shall not be docketed until after the expiration
13 3 of a sixty-day period following return of the plan by
13 4 the board to the utility for submission by the utility
13 5 of a revised plan. The board may approve or reject a
13 6 plan, and shall adopt rules governing the contested
13 7 case proceedings. The board shall also adopt rules
13 8 containing a default energy efficiency plan that shall
13 9 be implemented by a utility if the board does not
13 10 approve its plan or if the utility fails to file a
13 11 plan. The default plan may include a range of options
13 12 based on type and size of the utility. The default
13 13 plan, at a minimum, shall provide that the public
13 14 spend two percent of its annual revenues on energy
13 15 efficiency programs, including funding for qualified
13 16 low-income persons, for residential and nonresidential
13 17 lighting for electric utilities, and for water-saving
13 18 measures to reduce gas water heating for gas
13 19 utilities.

13 20 c. Utilities that fail to file energy efficiency
13 21 plans or implement approved plans shall be subject to
13 22 enforcement of civil penalties pursuant to section
13 23 476.51.

13 24 d. The board shall adopt rules pursuant to chapter
13 25 17A to administer this subsection.

13 26 Sec. 22. Section 476.6, Code 2007, is amended by
13 27 adding the following new subsection:

13 28 NEW SUBSECTION. 18B. ALTERNATIVE AND RENEWABLE
13 29 ENERGY OBJECTIVE.

13 30 1. To attain the goal of energy independence, each
13 31 electric utility shall make a good faith effort to
13 32 generate or procure electricity from sources of
13 33 alternative and renewable energy as defined in section
13 34 7B.2 for provision to retail consumers.

13 35 2. Each electric utility shall report on its
13 36 plans, activities, and progress in meeting the
13 37 objective specified in subsection 1 either in filings
13 38 required to be submitted to the board, or in a
13 39 separate report submitted to the board on an annual
13 40 basis, demonstrating to the board that the utility is
13 41 making the required good faith effort. The filings or
13 42 report shall contain a description of the following:

13 43 a. Status of the utility's alternative and
13 44 renewable energy mix relative to the utility's stated
13 45 objective.

13 46 b. Efforts being undertaken to meet the objective.

13 47 c. Obstacles encountered or anticipated in meeting
13 48 the objective and their potential solutions.

13 49 3. The board shall submit an annual report based
13 50 on the information submitted in subsection 2 to the



Iowa General Assembly
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House Amendment 1106 continued

14 1 director of the Iowa energy independence office
14 2 established in section 7B.4, and to the chairpersons
14 3 of the senate and house of representatives committees
14 4 with jurisdiction over energy and environmental policy
14 5 issues regarding progress made by electric utilities
14 6 in this state in increasing the amount of alternative
14 7 and renewable energy used to provide electricity to
14 8 retail customers.
14 9 Sec. 23. Section 476.46, subsection 2, paragraph
14 10 d, subparagraph (2), Code 2007, is amended to read as
14 11 follows:
14 12 (2) A facility shall be eligible for no more than
14 13 ~~two hundred fifty thousand~~ one million dollars in
14 14 loans outstanding at any time under this program.
14 15 Sec. 24. Section 476.47, subsection 2, Code 2007,
14 16 is amended by adding the following new paragraph:
14 17 NEW PARAGRAPH. c. Electric utilities shall
14 18 include a report of efforts made in the past year to
14 19 further the use of renewable energy in this state.
14 20 Sec. 25. EFFECTIVE DATE. This Act, being deemed
14 21 of immediate importance, takes effect upon enactment.>
14 22 #2. Title page, by striking lines 3 and 4 and
14 23 inserting the following: <changes consistent with
14 24 energy efficiency, and providing an effective date.>
14 25
14 26
14 27
14 28 COMMITTEE ON COMMERCE
14 29 JACOBY of Johnson, Chairperson
14 30 HF 498.210 82
14 31 rn/es/7454



Iowa General Assembly
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House Amendment 1107

PAG LIN

1 1 Amend House File 546 as follows:
1 2 #1. Page 1, line 19, by inserting after the word
1 3 <board.> the following: <In order to be eligible as a
1 4 person who is not a member of either of the political
1 5 parties, the person's registration form must have
1 6 affirmatively indicated no affiliation to either
1 7 political party for at least two-years or, if the
1 8 person has been registered in the state for less than
1 9 two years, for the period of time the person has been
1 10 registered.>
1 11
1 12
1 13
1 14 JACOBS of Polk
1 15 HF 546.201 82
1 16 sc/es/7294
1 17
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 08, 2007

House File 724 - 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 establishment of a lead-safe housing
2 registry, including provisions related to property owner,
3 managing agent, or employee liability, and providing a
4 penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2777HH 82
7 eg/gg/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 08, 2007

House File 724 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.105E LEAD=SAFE HOUSING
1 2 REGISTRY.
1 3 1. The department shall establish and maintain a registry
1 4 of lead=safe housing to provide the public with a listing of
1 5 residential and multifamily dwelling units and child=occupied
1 6 facilities that have been issued a certificate of lead=free
1 7 status or a certificate of lead=safe status. The department
1 8 shall publish the registry of lead=safe housing on the
1 9 department's website and shall provide a copy of the registry
1 10 to any person upon request.
1 11 2. The department shall adopt rules regarding minimum
1 12 requirements for certifying residential and multifamily
1 13 dwelling units and child=occupied facilities as lead=free or
1 14 as lead=safe, including certification procedures and
1 15 certification suspension and revocation requirements. The
1 16 department shall establish fees in amounts sufficient to
1 17 defray the cost of the certification and registry programs.
1 18 Fees received shall be considered repayment receipts as
1 19 defined in section 8.2.
1 20 3. An owner, managing agent, or employee of a residential
1 21 or multifamily dwelling unit or a child=occupied facility who
1 22 obtains a certificate by fraud or violates a condition of the
1 23 certificate is subject to a civil penalty not to exceed five
1 24 thousand dollars for each offense.
1 25 Sec. 2. NEW SECTION. 135.105F PRESUMPTION OF REASONABLE
1 26 CARE == CERTIFICATE.
1 27 An owner, managing agent, or employee of a residential or
1 28 multifamily dwelling unit or a child=occupied facility who has
1 29 been issued a certificate of lead=free status or lead=safe
1 30 status for the dwelling or facility is entitled to a
1 31 presumption that such person exercised reasonable care in the
1 32 maintenance of the dwelling or facility. This presumption is
1 33 subject to rebuttal if the person asserting the claim proves
1 34 by a preponderance of the evidence any of the following:
1 35 1. The owner, managing agent, or employee obtained the



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House File 724 - Introduced continued

2 1 certificate by fraud.

2 2 2. The owner, managing agent, or employee violated a
2 3 condition of the certificate.

2 4 3. After receiving the certificate, the owner, managing
2 5 agent, or employee created a lead-bearing paint hazard during
2 6 renovation, remodeling, maintenance, or repair of the dwelling
2 7 or facility that was present in the dwelling or facility at
2 8 the time the lead poisoning or lead exposure occurred.

2 9 4. The owner, managing agent, or employee failed to
2 10 respond in a timely manner to notification by a tenant, the
2 11 department, or a local health department that a lead-based
2 12 paint might be present in the dwelling or facility.

2 13 5. The owner, managing agent, or employee created a
2 14 lead-based hazard, other than a lead-based paint hazard, from
2 15 a source of lead in the dwelling or facility at the time the
2 16 lead poisoning or lead exposure occurred.

2 17 EXPLANATION

2 18 This bill relates to the establishment of a lead-safe
2 19 housing registry, including provisions related to property
2 20 owner, managing agent, or employee liability, and provides a
2 21 penalty.

2 22 The bill provides that the department of public health
2 23 shall establish and maintain a registry of lead-safe housing
2 24 to provide the public with a listing of residential and
2 25 multifamily dwelling units and child-occupied facilities that
2 26 have been issued a certificate of lead-free status or a
2 27 certificate of lead-safe status. The department shall publish
2 28 the registry of lead-safe housing on the department's website
2 29 and shall provide a copy of the registry to any person upon
2 30 request. The department shall establish fees in amounts
2 31 sufficient to defray the cost of the certification and
2 32 registry programs. The bill further provides that an owner,
2 33 managing agent, or employee of a residential or multifamily
2 34 dwelling unit or a child-occupied facility who obtains a
2 35 certificate by fraud or violates a condition of the



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House File 724 - Introduced continued

3 1 certificate is subject to a civil penalty not to exceed \$5,000
3 2 for each offense.
3 3 The bill further provides that an owner, managing agent, or
3 4 employee of a residential or multifamily dwelling unit or a
3 5 child-occupied facility who has been issued a certificate is
3 6 entitled to a presumption that such person exercised
3 7 reasonable care in the maintenance of the dwelling or
3 8 facility. This presumption is subject to rebuttal if the
3 9 person asserting the claim proves by a preponderance of the
3 10 evidence that the owner, managing agent, or employee obtained
3 11 the certificate by fraud, violated a condition of the
3 12 certificate, created a lead-bearing paint hazard during
3 13 renovation, remodeling, maintenance, or repair of the dwelling
3 14 or facility that was present in the dwelling or facility at
3 15 the time the lead poisoning or lead exposure occurred after
3 16 receiving the certificate, failed to respond in a timely
3 17 manner to notification by a tenant, the department, or a local
3 18 health department that a lead-based paint might be present in
3 19 the dwelling or facility, or created a lead-based hazard,
3 20 other than a lead-based paint hazard, from a source of lead in
3 21 the dwelling or facility at the time the lead poisoning or
3 22 lead exposure occurred.
3 23 LSB 2777HH 82
3 24 eg:rj/gg/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 08, 2007

House File 725 - Introduced

HOUSE FILE
BY FORD

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring that certain residential dwellings be tested for
- 2 lead-based paint and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2776HH 82
- 5 eg/je/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 08, 2007

House File 725 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.105E LEAD PAINT TESTING ==
1 2 PENALTY.
1 3 1. A person who owns or manages a residential dwelling
1 4 which is target housing as defined in section 135.105C shall
1 5 have a lead paint test performed on the dwelling or each
1 6 dwelling unit to determine whether the dwelling or dwelling
1 7 unit contains lead-based paint.
1 8 2. A lead inspector certified under section 135.105A shall
1 9 perform the lead paint test and report the results of such
1 10 test to each of the following:
1 11 a. The department.
1 12 b. The owner or manager of the residential dwelling.
1 13 c. The tenant or occupant of the residential dwelling.
1 14 3. The department shall make results of lead paint tests
1 15 conducted pursuant to this section available to the public.
1 16 The department shall adopt rules to implement the lead paint
1 17 testing program.
1 18 4. A person who violates this section is subject to a
1 19 civil penalty not to exceed five thousand dollars for each
1 20 offense.

1 21 EXPLANATION

1 22 This bill requires that a person who owns or manages a
1 23 residential dwelling which meets the definition of target
1 24 housing to have a lead paint test performed on the dwelling or
1 25 each dwelling unit to determine whether the dwelling or
1 26 dwelling unit contains lead-based paint. "Target housing" is
1 27 defined under Code section 135.105C to mean housing
1 28 constructed prior to 1978, with the exception of housing for
1 29 the elderly or for persons with disabilities and housing that
1 30 does not contain a bedroom, unless at least one child under
1 31 six years of age resides or is expected to reside in the
1 32 housing.

1 33 The bill provides that a lead inspector certified under
1 34 Code section 135.105A shall perform the lead paint test and
1 35 report the results of such test to each of the following:



**Iowa General Assembly
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March 08, 2007**

House File 725 - Introduced continued

2 1 1. The department of public health.
2 2 2. The owner or manager of the dwelling.
2 3 3. The tenant or occupant of the dwelling.
2 4 The bill requires that the department make lead paint test
2 5 results available to the public. The department must also
2 6 adopt rules to implement the lead paint testing program.
2 7 The bill provides that a person who violates the bill is
2 8 subject to a civil penalty not to exceed \$5,000 for each
2 9 offense.
2 10 LSB 2776HH 82
2 11 eg:nh/je/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 08, 2007

House File 726 - Introduced

HOUSE FILE

BY D. OLSON, SMITH, WISE,
T. TAYLOR, LYKAM, REICHERT,
MASCHER, MERTZ, D. TAYLOR,
BUKTA, H. MILLER, and
REASONER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to railway security and providing for penalties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2024YH 82
- 4 eg/je/5



Iowa General Assembly
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March 08, 2007

House File 726 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 327D.210 RISK ASSESSMENT.
1 2 1. A railway corporation shall prepare a railroad risk
1 3 assessment for the purpose of developing a rail security
1 4 program, describing all of the following:
1 5 a. Railroads owned, leased, or operated by the railway
1 6 corporation, and the function thereof.
1 7 b. The type of property transported by railroads owned,
1 8 leased, or operated by the railway corporation.
1 9 c. Hazardous materials and amounts thereof transported or
1 10 stored by railroads owned, leased, or operated by the railway
1 11 corporation.
1 12 d. Employee training required by the railway corporation.
1 13 e. Practices of the railway corporation to prevent, and
1 14 emergency response procedures in the event of, an attack,
1 15 sabotage, or other hostile action, including terrorism as
1 16 defined in section 708A.1, on railroads. The railway
1 17 corporation shall describe the procedures to communicate with
1 18 the department, state and local law enforcement agencies,
1 19 emergency personnel, and other first responders. The railway
1 20 corporation shall consult with the homeland security and
1 21 emergency management division of the department of public
1 22 defense.
1 23 2. On or before December 1, 2007, the railway corporation
1 24 shall provide a copy of the risk assessment to the department,
1 25 state and local law enforcement agencies, emergency personnel,
1 26 and other first responders.
1 27 Sec. 2. NEW SECTION. 327D.211 RAIL SECURITY PROGRAM ==
1 28 PENALTY.
1 29 1. On or before June 30, 2008, a railway corporation shall
1 30 establish a rail security program to protect the railroads in
1 31 the state, whether owned, leased, or operated by the railway
1 32 corporation, from an attack, sabotage, or other hostile
1 33 action, including terrorism as defined in section 708A.1.
1 34 2. The department shall review each rail security program
1 35 and may order a railway corporation to modify its program. If



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House File 726 - Introduced continued

2 1 the railway corporation fails to comply with the department's
2 2 order, the railway corporation is subject to a civil penalty
2 3 of fifty thousand dollars for each day of noncompliance.
2 4 3. The program shall require that railway corporation
2 5 employees be trained and equipped to report and respond to an
2 6 attack, sabotage, or other hostile action, including terrorism
2 7 as defined in section 708A.1.
2 8 4. After the department approves the program, the railway
2 9 corporation shall provide a copy of the program to state and
2 10 local law enforcement agencies, emergency personnel, and other
2 11 first responders.
2 12 5. The railway corporation shall update its program at
2 13 least once annually and provide a copy of the update to the
2 14 department, to state and local law enforcement agencies,
2 15 emergency personnel, and other first responders.
2 16 6. The department shall promulgate rules according to
2 17 chapter 17A to administer sections 327D.210 through 327D.213.
2 18 Sec. 3. NEW SECTION. 327D.212 COMMUNITY FACILITIES ==
2 19 PENALTY.
2 20 1. A railway corporation that transports property within
2 21 fifteen miles of a school, hospital, nursing home, or other
2 22 type of community facility identified by the department by
2 23 rule shall meet the following requirements:
2 24 a. Provide adequate security personnel to secure all
2 25 facilities that handle or store hazardous materials.
2 26 b. Store hazardous materials only in secure facilities
2 27 designed for such storage, which shall not include rights-of=
2 28 way.
2 29 c. Ensure that sufficient qualified personnel are
2 30 available to operate a train as needed to assist, replace, or
2 31 relieve other personnel who need such assistance.
2 32 d. Ensure that the cabs of an occupied locomotive can be
2 33 secured against an attack, sabotage, or other hostile action,
2 34 including terrorism as defined in section 708A.1.
2 35 e. Limit the use of remote control locomotives when



Iowa General Assembly
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House File 726 - Introduced continued

3 1 transporting hazardous materials.
3 2 f. Secure remote control devices to prevent access by
3 3 unauthorized personnel and other persons.
3 4 g. Ensure that all personnel that transport hazardous
3 5 materials receive security training on an annual basis
3 6 regarding hazardous materials.
3 7 2. The department may impose a civil penalty not to exceed
3 8 fifty thousand dollars for each day a railway corporation
3 9 fails to meet a requirement of this section.

3 10 Sec. 4. NEW SECTION. 327D.213 EMPLOYEE PROTECTION.
3 11 A railway corporation shall not take punitive action
3 12 against an employee who reports a violation of sections
3 13 327D.210 through 327D.212 to the department. An employee
3 14 subject to any punitive action may seek damages in an amount
3 15 not to exceed one million dollars from the railway corporation
3 16 that takes such action, in addition to other remedies such as
3 17 back pay, reinstatement, and other damages.

3 18 EXPLANATION

3 19 This bill provides new requirements for a railway
3 20 corporation relating to railroad security against an attack,
3 21 sabotage, or other hostile action, including terrorism. The
3 22 bill requires that, on or before December 1, 2007, a railway
3 23 corporation shall prepare a risk assessment to include a
3 24 description of the railroad, the property transported,
3 25 employee training, and security and emergency procedures.
3 26 Using the risk assessment, the railway corporation then
3 27 establishes a rail security program. The program must include
3 28 employee training for the purpose of reporting and responding
3 29 to an attack.

3 30 The bill also provides that if a railway corporation
3 31 transports property with 15 miles of a school, hospital,
3 32 nursing home, or other community facility as identified by the
3 33 state department of transportation by rule, specific security
3 34 requirements apply. The department may impose a civil penalty
3 35 on a railway corporation that fails to comply with such



**Iowa General Assembly
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March 08, 2007**

House File 726 - Introduced continued

4 1 requirements.

4 2 The bill also includes a provision to protect an employee

4 3 who reports a violation of the program and other security

4 4 requirements in the bill.

4 5 The bill requires that the department adopt rules to

4 6 administer the rail security provisions.

4 7 LSB 2024YH 82

4 8 eg:nh/je/5



Iowa General Assembly
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March 08, 2007

House File 727 - Introduced

HOUSE FILE

BY H. MILLER, BERRY,
WESSEL=KROESCHELL, FORD,
D. OLSON, REASONER, SMITH,
KRESSIG, FREVERT, BAILEY,
MERTZ, RASMUSSEN, UPMEYER,
ABDUL=SAMAD, MAY, and DAVITT

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the creation of an interactive website
- 2 featuring the materials, services, and programs maintained by
- 3 the department of cultural affairs and making an
- 4 appropriation.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 2541HH 82
- 7 kh/es/88



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 08, 2007**

House File 727 - Introduced continued

PAG LIN

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1 1 Section 1. DEPARTMENT OF CULTURAL AFFAIRS == INTERACTIVE
1 2 WEBSITE == APPROPRIATION. There is appropriated from the
1 3 general fund of the state to the department of cultural
1 4 affairs for the fiscal year beginning July 1, 2007, and ending
1 5 June 30, 2008, the following amount, or so much thereof as is
1 6 necessary, to be used for the purpose designated:
1 7 For implementation and support of an interactive website
1 8 featuring the materials, programs, services, publications, and
1 9 events maintained, offered, or supported by the department,
1 10 and for not more than the following full-time equivalent
1 11 position:
1 12 ..... $ 150,000
1 13 ..... FTEs 1.00
1 14 EXPLANATION
1 15 This bill appropriates $150,000 from the general fund of
1 16 the state to the department of cultural affairs for FY
1 17 2007=2008 for implementation and support of an interactive
1 18 website featuring the materials, programs, services,
1 19 publications, and events maintained, offered, or supported by
1 20 the department and for one full-time equivalent position.
1 21 LSB 2541HH 82
1 22 kh:sc/es/88.1

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Iowa General Assembly
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House File 728 - Introduced

HOUSE FILE

BY H. MILLER, MERTZ, WIENCEK,
 FREVERT, UPMEYER, ABDUL-SAMAD,
 D. OLSON, MAY, DAVITT, and
 BERRY

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act to support efforts to strengthen education and enrichment
- 2 programming for youth using the arts and making an
- 3 appropriation.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2542HH 82
- 6 kh/es/88



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 728 - Introduced continued

PAG LIN

1 1 Section 1. DEPARTMENT OF CULTURAL AFFAIRS == YOUTH ART
 1 2 EDUCATION AND ENRICHMENT == APPROPRIATION. There is
 1 3 appropriated from the general fund of the state to the
 1 4 department of cultural affairs for the fiscal year beginning
 1 5 July 1, 2007, and ending June 30, 2008, the following amount,
 1 6 or so much thereof as is necessary, to be used for the purpose
 1 7 designated:

1 8 For efforts to strengthen education and enrichment
 1 9 programming for youth using the arts:
 1 10 \$ 100,000

1 11 Funds appropriated pursuant to this section shall be used
 1 12 by the department to employ on a part-time basis an arts
 1 13 education specialist, organize a professional development
 1 14 network to provide intensive professional development
 1 15 opportunities to child care providers, youth camps, parents,
 1 16 teachers, individuals providing competent private instruction,
 1 17 and teaching artists throughout the state, initiate ongoing
 1 18 research on best practices, engage in partnering opportunities
 1 19 with other state agencies, and to provide grants to support
 1 20 development of arts-based after school programming models for
 1 21 students at any grade level or at various grade levels from
 1 22 prekindergarten through high school.

EXPLANATION

1 24 This bill appropriates \$100,000 from the state general fund
 1 25 for FY 2007=2008 to the department of cultural affairs for
 1 26 efforts to strengthen education and enrichment programming for
 1 27 youth using the arts. The bill directs the department to use
 1 28 the funds to employ an arts education specialist, organize a
 1 29 professional development network to provide intensive
 1 30 professional development opportunities to child care
 1 31 providers, youth camps, parents, teachers, individuals
 1 32 providing competent private instruction, and teaching artists
 1 33 throughout the state, initiate ongoing research on best
 1 34 practices, engage in partnering opportunities with other state
 1 35 agencies, and to provide grants to support development of



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House File 728 - Introduced continued

- 2 1 arts-based after school programming models for students at any
- 2 2 grade level or at various grade levels from prekindergarten
- 2 3 through high school.
- 2 4 LSB 2542HH 82
- 2 5 kh:sc/es/88.1



Iowa General Assembly
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March 08, 2007

House File 729 - Introduced

HOUSE FILE

BY UPMEYER, PAULSEN, TOMENGA,
DE BOEF, S. OLSON, L. MILLER,
RAYHONS, KAUFMANN, FORRISTALL,
SODERBERG, and STRUYK

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing appropriations for general state financial aid
- 2 to merged areas.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2624YH 82
- 5 kh/gg/14



**Iowa General Assembly
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March 08, 2007**

House File 729 - Introduced continued

PAG LIN

1 1 Section 1. DEPARTMENT OF EDUCATION == COMMUNITY COLLEGE
 1 2 SUPPLEMENT FOR FY 2007=2008. There is appropriated from the
 1 3 general fund of the state to the department of education for
 1 4 the fiscal year beginning July 1, 2007, and ending June 30,
 1 5 2008, the following amount, or so much thereof as is
 1 6 necessary, to be used for the purposes designated:
 1 7 For general state financial aid to merged areas as defined
 1 8 in section 260C.2 in accordance with chapters 258 and 260C:
 1 9 \$ 87,613,190
 1 10 Funds appropriated pursuant to this section shall
 1 11 supplement, not supplant, any other moneys appropriated to the
 1 12 department of education for general state financial aid to
 1 13 merged areas as defined in section 260C.2 in accordance with
 1 14 chapters 258 and 260C.
 1 15 Sec. 2. Section 260C.24, Code 2007, is amended to read as
 1 16 follows:
 1 17 260C.24 ~~PAYMENT OF APPROPRIATIONS~~ == PAYMENT.
 1 18 1. For the fiscal year beginning July 1, 2008, and each
 1 19 succeeding fiscal year, there is appropriated from the general
 1 20 fund of the state to the department of education for each
 1 21 fiscal year for general state financial aid to merged areas as
 1 22 defined in section 260C.2 in accordance with chapter 258 and
 1 23 this chapter, an amount which, divided on a per student basis,
 1 24 exceeds the per student amount appropriated under section
 1 25 261.25, subsections 1 and 2, for the previous fiscal year by
 1 26 one dollar.
 1 27 2. Payment of ~~appropriations~~ the appropriation made
 1 28 pursuant to subsection 1 for distribution under this chapter,
 1 29 or of appropriations made in lieu of such ~~appropriations~~
 1 30 appropriation, shall be made by the department of
 1 31 administrative services in monthly installments due on or
 1 32 about the fifteenth of each month of a budget year, and
 1 33 installments shall be as nearly equal as possible, as
 1 34 determined by the department of administrative services,
 1 35 taking into consideration the relative budget and cash



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House File 730 - Introduced

HOUSE FILE
BY KAUFMANN, WIENCEK, and
PETTENGILL

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the providing of income tax, premium tax, and
2 moneys and credits tax credits for employers paying part of
3 their employees' student loans and including a retroactive
4 applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1766YH 82
7 mg/es/88



Iowa General Assembly
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March 08, 2007

House File 730 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 261.130 DEFINITIONS.
1 2 As used in this division, unless the context otherwise
1 3 requires:
1 4 1. "Accredited higher education institution" means an
1 5 institution of higher education as defined in section 261.92.
1 6 2. "Commission" means the college student aid commission
1 7 created in section 261.1.
1 8 3. "Qualified undergraduate loan" means a federally
1 9 guaranteed student loan authorized under the federal Higher
1 10 Education Act of 1965, 20 U.S.C. } 1071 et seq., or a loan
1 11 originated by banks, savings and loans, or credit unions
1 12 located in Iowa for purposes of attending an accredited higher
1 13 education institution.
1 14 Sec. 2. NEW SECTION. 261.131 STUDENT LOAN REPAYMENT TAX
1 15 CREDIT PROGRAM.
1 16 1. The commission shall establish a student loan repayment
1 17 tax credit program for employers who repay qualified
1 18 undergraduate loans of students employed in this state by the
1 19 employer. Under the program eligible employers shall be
1 20 entitled to a tax credit to be allowed against the taxes
1 21 imposed under chapter 422, division II, III, or V, or chapter
1 22 432, or against the moneys and credits tax imposed in section
1 23 533.24.
1 24 2. An eligible employer shall receive a credit equal to
1 25 thirty percent of the amount of the qualified undergraduate
1 26 loan repaid by the employer for an employee in the tax year.
1 27 However, in computing the amount of the tax credit only the
1 28 following repayment amount shall be used in the computation:
1 29 a. For the first tax year, not more than twenty percent of
1 30 the maximum qualified undergraduate loan.
1 31 b. For the second tax year, not more than thirty percent
1 32 of the maximum qualified undergraduate loan.
1 33 c. For the third tax year, not more than fifty percent of
1 34 the maximum qualified undergraduate loan.
1 35 For purposes of the computation of the tax credit pursuant



Iowa General Assembly
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House File 730 - Introduced continued

2 1 to this subsection, "maximum qualified undergraduate loan"
2 2 equals twenty-five thousand dollars.
2 3 3. To qualify as an eligible employer for purposes of the
2 4 tax credit under subsection 2, an employer shall meet all of
2 5 the following:
2 6 a. Pay the employee for whom the loan repayment is to be
2 7 made an annualized salary or wage of at least twenty-five
2 8 thousand dollars.
2 9 b. Employ the individual primarily in this state.
2 10 c. Begin repayment of the qualified undergraduate loan
2 11 within six months of the initial hiring date of the employee.
2 12 For purposes of this paragraph, an employee who is already
2 13 employed by the employer as of July 1, 2007, shall be
2 14 considered to be initially hired as of that date.
2 15 4. If the employer is a partnership, S corporation,
2 16 limited liability company, estate, or trust electing to have
2 17 the income taxed directly to the individual, an individual may
2 18 claim the tax credit allowed. The amount claimed by the
2 19 individual shall be based upon the pro rata share of the
2 20 individual's earnings of the partnership, S corporation,
2 21 limited liability company, estate, or trust.
2 22 5. Any credit in excess of the tax liability for the tax
2 23 year shall be refunded with interest computed under section
2 24 422.25. In lieu of claiming a refund, a taxpayer may elect to
2 25 have the overpayment shown on its final, completed return
2 26 credited to the tax liability for the following tax year.
2 27 Sec. 3. NEW SECTION. 261.132 TAX CREDIT CERTIFICATE
2 28 PROCEDURE.
2 29 1. An employer seeking the student loan repayment tax
2 30 credit under this division shall apply to the commission on
2 31 the form prescribed by the commission, provide verification
2 32 that the employer is eligible as required under section
2 33 261.131, subsection 3, and any other information required by
2 34 the commission or the department of revenue.
2 35 2. After verifying the eligibility for the tax credit, the



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House File 730 - Introduced continued

3 1 commission, in consultation with the department of revenue,
3 2 shall issue a student loan repayment tax credit certificate to
3 3 be attached to the person's tax return. The tax credit
3 4 certificate shall contain the taxpayer's name, address, tax
3 5 identification number, the dates of loan repayment, the amount
3 6 of credit, and other information required by the department of
3 7 revenue.

3 8 Sec. 4. NEW SECTION. 422.11T STUDENT LOAN REPAYMENT TAX
3 9 CREDIT.

3 10 The taxes imposed under this division, less the credits
3 11 allowed under sections 422.12 and 422.12B, shall be reduced by
3 12 a student loan repayment tax credit authorized pursuant to
3 13 sections 261.130 through 261.132.

3 14 Sec. 5. Section 422.33, Code 2007, is amended by adding
3 15 the following new subsection:

3 16 NEW SUBSECTION. 24. The taxes imposed under this division
3 17 shall be reduced by a student loan repayment tax credit
3 18 authorized pursuant to sections 261.130 through 261.132.

3 19 Sec. 6. Section 422.60, Code 2007, is amended by adding
3 20 the following new subsection:

3 21 NEW SUBSECTION. 13. The taxes imposed under this division
3 22 shall be reduced by a student loan repayment tax credit
3 23 authorized pursuant to sections 261.130 through 261.132.

3 24 Sec. 7. NEW SECTION. 432.12J STUDENT LOAN REPAYMENT TAX
3 25 CREDIT.

3 26 The taxes imposed under this chapter shall be reduced by a
3 27 student loan repayment tax credit authorized pursuant to
3 28 sections 261.130 through 261.132.

3 29 Sec. 8. Section 533.24, Code 2007, is amended by adding
3 30 the following new subsection:

3 31 NEW SUBSECTION. 11. The moneys and credits tax imposed
3 32 under this section shall be reduced by a student loan
3 33 repayment tax credit authorized pursuant to sections 261.130
3 34 through 261.132.

3 35 Sec. 9. RETROACTIVE APPLICABILITY DATE. This Act applies



Iowa General Assembly
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House File 730 - Introduced continued

4 1 retroactively to January 1, 2007, for tax years beginning on
4 2 or after that date.

4 3 EXPLANATION

4 4 This bill provides a tax credit for an employer who repays
4 5 any portion of an employee's undergraduate student loan. The
4 6 tax credits are allowable under the individual and corporate
4 7 income taxes, franchise tax, insurance premiums tax, and
4 8 moneys and credits tax of credit unions.

4 9 To be eligible for the tax credit the employer must pay an
4 10 annualized salary or wage of at least \$25,000, employ the
4 11 person in this state, and begin repayment of the student loan
4 12 within six months of the hiring date. However, the bill
4 13 provides that the hiring date for an employee already employed
4 14 as of July 1, 2007, shall be considered July 1, 2007.

4 15 The amount of the tax credit equals 30 percent of the
4 16 amount of the loan repaid not to exceed a certain percentage
4 17 of the first \$25,000 of the student loan. This percentage
4 18 equals 20 percent for the first tax year, 30 percent for the
4 19 second tax year, and 50 percent for the third tax year.

4 20 The bill applies retroactively to January 1, 2007, for tax
4 21 years beginning on or after that date.

4 22 LSB 1766YH 82

4 23 mg:rj/es/88



Iowa General Assembly
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March 08, 2007

House File 731 - Introduced

HOUSE FILE

BY KAUFMANN, MASCHER, WORTHAN,
and LENSING

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act making an appropriation to the department of education for
2 teacher training in the reconstruction of reading recovery in
3 Spanish program and providing an effective and applicability
4 date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2719YH 82
7 ak/es/88



**Iowa General Assembly
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House File 731 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == DEPARTMENT OF EDUCATION ==
 1 2 READING RECOVERY IN SPANISH PROGRAM. There is appropriated
 1 3 from the general fund of the state to the department of
 1 4 education for the fiscal period beginning January 1, 2007, and
 1 5 ending June 30, 2008, the following amount, or so much thereof
 1 6 as is necessary, to be used for the purpose designated:
 1 7 For allocation of twelve thousand five hundred dollars each
 1 8 to five pilot projects for teacher training in the
 1 9 reconstruction of reading recovery in Spanish, including books
 1 10 and materials for teaching, travel expenses, and professional
 1 11 development:
 1 12\$ 62,500
 1 13 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
 1 14 Act, being deemed of immediate importance, takes effect upon
 1 15 enactment and is retroactively applicable to January 1, 2007,
 1 16 and is applicable on and after that date.
 1 17 EXPLANATION
 1 18 This bill appropriates \$62,500 from the general fund of the
 1 19 state to the department of education for the fiscal period
 1 20 beginning January 1, 2007, and ending June 30, 2008, for five
 1 21 pilot projects in teacher training in the reconstruction of
 1 22 reading recovery in Spanish program (descubriendo la lectura),
 1 23 plus books and materials for teaching, travel expenses, and
 1 24 professional development. Each pilot project shall receive
 1 25 \$12,500. The bill makes the appropriation effective upon
 1 26 enactment and retroactively applicable to January 1, 2007.
 1 27 LSB 2719YH 82
 1 28 ak:rj/es/88



Iowa General Assembly
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House File 732 - Introduced

HOUSE FILE
BY VAN FOSSEN

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

A BILL FOR

- 1 An Act relating to a state work opportunity tax credit and
- 2 including a retroactive applicability date provision.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1720YH 82
- 5 mg/je/5



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House File 732 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, subsection 8, Code 2007, is
1 2 amended to read as follows:

1 3 8. a. Subtract the amount of the federal work opportunity
1 4 tax credit allowable for the tax year under section 51 of the
1 5 Internal Revenue Code to the extent that the credit increased
1 6 federal adjusted gross income.

1 7 b. Add the amount of the state work opportunity tax credit
1 8 allowable for the tax year.

1 9 Sec. 2. NEW SECTION. 422.11T STATE WORK OPPORTUNITY TAX
1 10 CREDIT.

1 11 The taxes imposed under this division shall be reduced by a
1 12 state work opportunity tax credit equal to twenty=five percent
1 13 of the federal work opportunity tax credit provided in section
1 14 51 of the Internal Revenue Code. Any credit in excess of the
1 15 tax liability is nonrefundable.

1 16 Sec. 3. Section 422.33, Code 2007, is amended by adding
1 17 the following new subsection:

1 18 NEW SUBSECTION. 24. The taxes imposed under this division
1 19 shall be reduced by a state work opportunity tax credit equal
1 20 to twenty=five percent of the federal work opportunity tax
1 21 credit provided in section 51 of the Internal Revenue Code.
1 22 Any credit in excess of the tax liability is nonrefundable.

1 23 Sec. 4. Section 422.35, subsection 5, Code 2007, is
1 24 amended to read as follows:

1 25 5. a. Subtract the amount of the federal work opportunity
1 26 tax credit allowable for the tax year under section 51 of the
1 27 Internal Revenue Code to the extent that the credit increased
1 28 federal taxable income.

1 29 b. Add the amount of the state work opportunity tax credit
1 30 allowable for the tax year.

1 31 Sec. 5. Section 422.60, Code 2007, is amended by adding
1 32 the following new subsection:

1 33 NEW SUBSECTION. 13. The taxes imposed under this division
1 34 shall be reduced by a state work opportunity tax credit equal
1 35 to twenty=five percent of the federal work opportunity tax



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House File 732 - Introduced continued

2 1 credit provided in section 51 of the Internal Revenue Code.
2 2 Any credit in excess of the tax liability is nonrefundable.
2 3 Sec. 6. RETROACTIVE APPLICABILITY DATE. This Act applies
2 4 retroactively to January 1, 2007, for tax years beginning on
2 5 or after that date.

2 6 EXPLANATION

2 7 This bill provides a state work opportunity tax credit
2 8 under the individual and corporate income taxes and franchise
2 9 tax. The credit equals 25 percent of the federal work
2 10 opportunity tax credit. The federal credit is a percentage of
2 11 the wages paid to a select category of employees. Because the
2 12 federal credit is based upon wages paid, the wages equal to
2 13 the credit are not deductible. This same nondeductibility
2 14 applies to the state credit. The worker categories covered
2 15 include recipients of federal aid to families with dependent
2 16 children, qualified veterans, qualified ex=felons, high=risk
2 17 youths, vocational rehabilitation referrals, qualified summer
2 18 youth employees, recipients of food stamps, recipients of
2 19 supplemental security income assistance, and long=term family
2 20 assistance recipients.

2 21 The bill applies retroactively to January 1, 2007, for tax
2 22 years beginning on or after that date.

2 23 LSB 1720YH 82

2 24 mg:sc/je/5



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House File 733 - Introduced

HOUSE FILE

BY D. OLSON, DANDEKAR, THOMAS,
KUHN, REICHERT, MASCHER,
STAED, MERTZ, D. TAYLOR,
REASONER, BUKTA, and H. MILLER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the creation of a state energy policy
- 2 council and a state energy plan.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2494HH 82
- 5 rn/cf/24



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House File 733 - Introduced continued

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1 1 Section 1. NEW SECTION. 469.1 STATE ENERGY PLAN ==
1 2 COUNCIL CREATED.
1 3 1. A state energy plan shall be developed by the energy
1 4 policy council established pursuant to subsection 5. The plan
1 5 shall include long-term and comprehensive state goals and
1 6 objectives for achieving energy independence, economic
1 7 security, and environmental protection by increasing the
1 8 amount of energy produced through renewable energy production
1 9 and energy efficiency and conservation.
1 10 2. A goal of the state energy plan shall be to meet
1 11 twenty-five percent of the state's energy needs with renewable
1 12 energy sources by the year 2032. For purposes of this
1 13 section, "renewable energy sources" means all potential
1 14 sources of renewable or alternative energy, including but not
1 15 limited to ethanol, biodiesel, wind, solar, biomass,
1 16 geothermal, and methane, or through waste utilization
1 17 technology. The twenty-five percent goal shall be met, in
1 18 addition to utilization of renewable energy sources, through
1 19 the expansion of energy efficiency and conservation practices
1 20 in public buildings, expansion of energy efficiency and
1 21 conservation assistance for homes and workplaces,
1 22 implementation of energy-efficient design standards and
1 23 construction techniques in new building construction and
1 24 existing building rehabilitation, and increased utilization of
1 25 recycling and waste reduction practices.
1 26 3. The plan shall include but not be limited to the
1 27 following components:
1 28 a. Conducting an inventory of current energy resources and
1 29 existing infrastructure.
1 30 b. Expanding goals for renewable energy production and
1 31 usage.
1 32 c. Developing and implementing carbon credit trading as a
1 33 renewable energy incentive.
1 34 d. Incorporating green building construction standards and
1 35 techniques into building code requirements as developed by the



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House File 733 - Introduced continued

2 1 United States green building council leadership in energy and
2 2 environmental design.
2 3 e. Recommending practices encouraging energy conservation.
2 4 f. Recommending methods for incorporation of recycling and
2 5 reuse, including innovative technologies to convert waste into
2 6 energy, to capture methane, and to divert waste from
2 7 landfills.
2 8 g. Recommending methods for coordination of existing
2 9 public and private resources to achieve energy efficiency and
2 10 renewable energy development.
2 11 4. The plan shall include a process for measuring progress
2 12 through implementation of benchmarks and timelines.
2 13 5. There is created an energy policy council which shall
2 14 initially consist of seven members appointed by the governor
2 15 subject to confirmation by the senate. The objective of the
2 16 council shall be to develop, implement, and ensure compliance
2 17 with the state energy plan. Members shall include but shall
2 18 not be limited to representatives of the following:
2 19 a. One member representing the utilities board.
2 20 b. One member representing the Iowa energy center.
2 21 c. One member representing utilities subject to rate
2 22 regulation pursuant to chapter 476.
2 23 d. One member representing an electric utility having
2 24 fewer than ten thousand customers or an electric cooperative
2 25 corporation or association.
2 26 e. One member representing a municipal utility.
2 27 f. One member representing the Iowa environmental council.
2 28 g. One member representing the department.
2 29 Members shall serve three-year staggered terms. Staff
2 30 assistance for the council shall be provided by the department
2 31 of natural resources. Members shall be reimbursed for actual
2 32 and necessary expenses incurred while engaged in their
2 33 official duties and shall receive per diem compensation at the
2 34 level authorized under section 7E.6, subsection 1, paragraph
2 35 "a". The council shall submit a report to the governor and



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House File 733 - Introduced continued

3 1 the general assembly by January 1 annually regarding state
3 2 energy plan progress.

3 3 EXPLANATION

3 4 This bill provides for the development of a state energy
3 5 plan, with the objective of achieving the goal of 25 percent
3 6 of the state's energy needs being met from renewable energy
3 7 sources by the year 2032. The bill defines "renewable energy
3 8 sources" to refer to any potential source of renewable or
3 9 alternative energy, including but not limited to ethanol,
3 10 biodiesel, wind, solar, biomass, geothermal, and methane, or
3 11 through waste utilization technology. Besides utilization of
3 12 renewable energy, the bill provides that the goal shall be met
3 13 through the expansion of energy efficiency and conservation
3 14 practices in public buildings, expansion of energy efficiency
3 15 and conservation assistance for homes and workplaces,
3 16 implementation of energy-efficient design standards and
3 17 construction techniques in new building construction and
3 18 existing building rehabilitation, and increased utilization of
3 19 recycling and waste reduction practices.

3 20 The bill provides for specific plan components, and
3 21 provides for the establishment of an energy policy council
3 22 with members appointed by the governor and administrative
3 23 assistance supplied by the department of natural resources to
3 24 develop, implement, and ensure compliance with the plan. The
3 25 bill specifies that the council shall initially include one
3 26 member representing the utilities board, the Iowa energy
3 27 center, utilities subject to rate regulation pursuant to Code
3 28 chapter 476, an electric utility having fewer than 10,000
3 29 customers or an electric cooperative corporation or
3 30 association, a municipal utility, the Iowa environmental
3 31 council, and the department. The council is required to
3 32 submit a report to the governor and the general assembly by
3 33 January 1 annually regarding state energy plan progress.

3 34 LSB 2494HH 82

3 35 rn:rj/cf/24



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 March 08, 2007

House File 734 - Introduced

HOUSE FILE

BY ALONS, ANDERSON, BAUDLER,
 BOAL, CHAMBERS, CLUTE, DEYOE,
 DOLECHECK, DRAKE, FORRISTALL,
 GIPP, GRASSLEY, HORBACH,
 HUSEMAN, JACOBS, KAUFMANN,
 LUKAN, MAY, S. OLSON, RAECKER,
 RASMUSSEN, RAYHONS, ROBERTS,
 SODERBERG, STRUYK, TJEPKES,
 TOMENGA, TYMESON, UPMAYER,
 VAN FOSSEN, WATTS, WINDSCHITL,
 and WORTHAN

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to assessment of commercial and industrial
 2 property for purposes of property taxation and including a
 3 retroactive applicability date.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 1901YH 82
 6 sc/gg/14



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House File 734 - Introduced continued

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

1 3 NEW SUBSECTION. 5A. a. For valuations established as of
1 4 January 1, 2007, the percentage of actual value as equalized
1 5 by the director of revenue pursuant to section 441.49 at which
1 6 commercial and industrial property shall be assessed is
1 7 ninety=five percent.

1 8 b. For valuations established as of January 1, 2008, the
1 9 percentage of actual value as equalized by the director of
1 10 revenue pursuant to section 441.49 at which commercial and
1 11 industrial property shall be assessed is ninety percent.

1 12 c. For valuations established as of January 1, 2009, and
1 13 each year thereafter, the percentage of actual value as
1 14 equalized by the director of revenue pursuant to section
1 15 441.49 at which commercial and industrial property shall be
1 16 assessed is eighty=five percent.

1 17 d. Local governments shall be reimbursed by the state for
1 18 a period of ten years beginning with the fiscal year beginning
1 19 July 1, 2008, in an amount corresponding to the reduction in
1 20 property tax revenues as a result of the operation of this
1 21 subsection. However, beginning with the fiscal year beginning
1 22 July 1, 2010, the reimbursement to be paid by the state to
1 23 each taxing jurisdiction shall be reduced by an amount equal
1 24 to fifty percent of the property tax revenues collected in
1 25 that taxing jurisdiction due to new construction of commercial
1 26 and industrial property.

1 27 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 28 retroactively to January 1, 2007, for assessment years
1 29 beginning on or after that date.

1 30 EXPLANATION

1 31 This bill provides that for the assessment year beginning
1 32 January 1, 2007, commercial and industrial property shall be
1 33 assessed at 95 percent of actual value. For the assessment
1 34 year beginning January 1, 2008, commercial and industrial
1 35 property shall be assessed at 90 percent of actual value. For



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House File 734 - Introduced continued

2 1 the assessment year beginning January 1, 2009, and subsequent
2 2 assessment years, commercial and industrial property shall be
2 3 assessed at 85 percent of actual value.
2 4 The bill also provides that the state shall reimburse local
2 5 governments for a period of 10 years in an amount
2 6 corresponding to the reduction in property tax revenues as a
2 7 result of the lower percentage applied to commercial and
2 8 industrial property. However, the bill also provides that,
2 9 beginning with the fiscal year beginning July 1, 2010, the
2 10 amount of the reimbursement to be paid by the state to each
2 11 taxing jurisdiction shall be reduced by an amount equal to
2 12 fifty percent of the property tax revenues collected in that
2 13 taxing jurisdiction due to new construction of commercial and
2 14 industrial property.
2 15 The bill applies retroactively to January 1, 2007, for
2 16 assessment years beginning on or after that date.
2 17 LSB 1901YH 82
2 18 sc:rj/gg/14.1



Iowa General Assembly
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House File 735 - Introduced

HOUSE FILE
BY WHITAKER

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

A BILL FOR

1 An Act relating to organic food by providing for the duties of
2 the department, establishing a council, and establishing a
3 fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1194HH 82
6 da/cf/24



Iowa General Assembly
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House File 735 - Introduced continued

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1 1 Section 1. NEW SECTION. 190B.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Agricultural product" means any agricultural commodity
1 5 or product, whether raw or processed, including any commodity
1 6 or finished product derived from a plant or animal having
1 7 commercial value, including but not limited to the following:
1 8 a. For plants, stalks, trunks and branches, cuttings,
1 9 grafts, scions, leaves, buds, fruit, vegetables, roots, bulbs,
1 10 or seeds.
1 11 b. For animals, muscle tissue, organs, fat, blood, manure,
1 12 bones, milk, wool, hide, pelt, feathers, eggs, semen, embryos,
1 13 or honey.
1 14 2. "Coordinator" means the Iowa foods initiative
1 15 coordinator as provided in section 190B.2.
1 16 3. "Council" means the Iowa organics advisory council
1 17 established pursuant to section 190B.4.
1 18 4. "Department" means the department of agriculture and
1 19 land stewardship.
1 20 5. "Fund" means the Iowa foods initiative fund established
1 21 pursuant to section 190B.5.
1 22 6. "Identity=preserved agricultural product" means an
1 23 agricultural product that may be traced from production
1 24 through handling, processing, and marketing channels to the
1 25 retailer in order to ensure that a specific process or
1 26 characteristic, including but not limited to a genetic trait,
1 27 associated with the agricultural product has been followed or
1 28 is delivered to the final consumer.
1 29 7. "Iowa foods" means identity=preserved agricultural
1 30 products or organic agricultural products that are produced in
1 31 this state and intended for or marketed as foods or which are
1 32 produced in this state and processed into products that are
1 33 intended for or marketed as foods.
1 34 8. "Organic agricultural product" means an agricultural
1 35 product that is certified or otherwise qualifies as organic in



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House File 735 - Introduced continued

2 1 accordance with the provisions of chapter 190C.
2 2 9. "Secretary" means the secretary of agriculture.
2 3 Sec. 2. NEW SECTION. 190B.2 IOWA FOODS INITIATIVE ==
2 4 CREATED.
2 5 1. An Iowa foods initiative is created, which shall
2 6 promote the production, handling, processing, and marketing of
2 7 Iowa foods in a manner that does all of the following:
2 8 a. Provides for sound soil conservation and sustainable
2 9 agricultural practices, enhances the quality of the
2 10 environment, promotes the development of local and statewide
2 11 food systems, expands domestic and foreign markets,
2 12 revitalizes rural communities, and furnishes consumers with
2 13 widely available wholesome food.
2 14 b. Ensures that the majority of the wealth created by Iowa
2 15 agricultural producers is retained in this state, and that
2 16 employment for industries associated with the handling,
2 17 processing, and marketing of Iowa's identity=preserved
2 18 agricultural products and organic agricultural products in
2 19 this state.
2 20 2. The secretary shall appoint an Iowa foods coordinator
2 21 to administer the Iowa foods initiative.
2 22 Sec. 3. NEW SECTION. 190B.3 IOWA FOODS INITIATIVE ==
2 23 DUTIES.
2 24 1. The department shall administer the Iowa foods
2 25 initiative provided in section 190B.2 by developing and
2 26 implementing a comprehensive strategy which shall include at
2 27 least all of the following:
2 28 a. Monitoring the production, handling, processing, and
2 29 marketing of identity=preserved agricultural products and
2 30 organic agricultural products in this state.
2 31 b. Serving as an information clearinghouse to assist
2 32 agricultural producers interested in producing identity=
2 33 preserved agricultural products and organic agricultural
2 34 products. The department shall serve as a referral agency to
2 35 assist agricultural producers in obtaining assistance from



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3 1 private persons and state and federal agencies, including the
3 2 organic advisory council established pursuant to section
3 3 190C.2, the Iowa cooperative extension service in agriculture
3 4 and home economics at Iowa state university, and the
3 5 department of economic development. The department shall
3 6 establish programs to ensure that interested agricultural
3 7 producers may achieve a practicable transition to producing
3 8 and marketing identity=preserved agricultural products and
3 9 organic agricultural products.

3 10 c. Initiating or supporting programs or projects which
3 11 establish, improve, or expand private and public efforts to
3 12 develop markets for identity=preserved agricultural products
3 13 and organic agricultural products. The department shall
3 14 assist persons in developing infrastructure for the
3 15 production, handling, processing, and marketing of
3 16 identity=preserved agricultural products and organic
3 17 agricultural products, including local distribution systems
3 18 such as grocery stores, restaurants, and farmers markets, and
3 19 direct producer=to=consumer sales by production contract and
3 20 internet sales.

3 21 d. Providing for educational and promotional campaigns,
3 22 including sponsoring events or publishing electronic or
3 23 printed materials which increase the public's awareness of
3 24 identity=preserved agricultural products and organic
3 25 agricultural products and their connection to Iowa farm
3 26 families. The department may design labels or placards which
3 27 identify foods as identity=preserved agricultural products or
3 28 organic agricultural products.

3 29 e. Assisting state and local governments when considering
3 30 legislative or administrative measures which may have an
3 31 impact upon the production, handling, processing, or marketing
3 32 of identity=preserved agricultural products or organic
3 33 agricultural products. The department shall cooperate with
3 34 state and local governments to ensure that when purchasing
3 35 foods, consideration is provided to identity=preserved



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4 1 agricultural products and organic agricultural products
4 2 whenever the price and quality are reasonably competitive.
4 3 2. The department and state and local agencies, including
4 4 the department of administrative services, the department of
4 5 corrections, the department of economic development, the state
4 6 department of transportation, the department of natural
4 7 resources, the state board of regents institutions, and the
4 8 state board for community colleges, shall cooperate to carry
4 9 out the department's duties.

4 10 3. The department shall prepare a report as follows:

4 11 a. The report shall describe the status of the state's
4 12 efforts under this chapter to accomplish the purposes of the
4 13 Iowa foods initiative set forth in section 190B.2, and the
4 14 department's performance goals and activities, including
4 15 programs and projects designed to achieve those goals, as
4 16 provided in the department's comprehensive strategy.

4 17 b. The report shall be incorporated into the department's
4 18 annual performance plan and agency strategic plan as provided
4 19 in chapter 8E, subchapter II. The report shall be delivered
4 20 to the legislative services agency not later than February 10
4 21 of each year.

4 22 Sec. 4. NEW SECTION. 190B.4 IOWA ORGANICS ADVISORY
4 23 COUNCIL.

4 24 1. An Iowa organics advisory council is established within
4 25 the department. The council shall consult with the department
4 26 and provide general oversight of the department and its
4 27 administrative operations relative to this chapter. However,
4 28 the council shall not control policy decisions or direct the
4 29 administration of this chapter. The council, in cooperation
4 30 with the coordinator, shall do all of the following:

4 31 a. Develop and review the comprehensive strategy necessary
4 32 to carry out the Iowa foods initiative as provided in section
4 33 190B.3.

4 34 b. Review the operations of the department, establish
4 35 performance goals for the department, and adopt



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5 1 recommendations relating to improving the functions of the
5 2 department as is necessary to further the Iowa foods
5 3 initiative as provided in section 190B.2.
5 4 c. Encourage the full support of initiatives of the
5 5 department performed pursuant to its comprehensive strategy as
5 6 provided in section 190B.3.
5 7 2. The council shall be composed of all of the following:
5 8 a. Four members who shall include all of the following:
5 9 (1) The chairperson of the organic advisory council as
5 10 provided in section 190C.2.
5 11 (2) The director of the Leopold center for sustainable
5 12 agriculture as provided in section 266.39.
5 13 (3) A person appointed by the director of the department
5 14 of economic development who shall be familiar with that
5 15 department's agricultural marketing programs and the value=
5 16 added agricultural products and processes financial assistance
5 17 program as provided in section 15E.111.
5 18 (4) A person appointed by the president of Iowa state
5 19 university who is a specialist in organic agricultural
5 20 production and associated with the Iowa cooperative extension
5 21 service in agriculture and home economics.
5 22 b. Nine public members who shall be appointed by the
5 23 secretary. The public members must be presently actively
5 24 engaged or have long been actively engaged in the production,
5 25 handling, processing, or marketing of identity=preserved
5 26 agricultural products and organic agricultural products. The
5 27 membership must include at least one person who has been
5 28 involved in producing identity=preserved agricultural
5 29 products. The membership must include at least four persons
5 30 who have been involved in producing organic agricultural
5 31 products. At least one member must be a member of the Iowa
5 32 food policy council and at least one member must be a member
5 33 of the practical farmers of Iowa.
5 34 (1) The secretary shall appoint the public members based
5 35 on a list of nominations submitted by organizations



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6 1 representing areas of expertise in the production, handling,
6 2 processing, and marketing of identity=preserved agricultural
6 3 products and organic agricultural products, as certified by
6 4 the department according to requirements of the department.
6 5 (2) Appointments of the public members are subject to the
6 6 requirements of sections 69.16 and 69.16A. In addition, the
6 7 appointments shall be geographically balanced. Unless the
6 8 secretary determines that it is not feasible, at least one
6 9 member must reside in each of the six geographic regions known
6 10 as state fair board districts as provided in section 173.4A.
6 11 The members shall be confirmed by the senate, pursuant to
6 12 section 2.32.
6 13 (3) The members shall serve five=year terms beginning and
6 14 ending as provided in section 69.19. However, the secretary
6 15 shall appoint initial members to serve for less than five
6 16 years to ensure members serve staggered terms. A member is
6 17 eligible for reappointment. A vacancy on the council shall be
6 18 filled for the unexpired portion of the regular term in the
6 19 same manner as regular appointments are made.
6 20 3. The council shall elect a chairperson from among its
6 21 public members each year on a rotating basis as provided by
6 22 the council. The council shall meet on a regular basis and at
6 23 the call of the chairperson or upon the written request to the
6 24 chairperson of five or more public members.
6 25 4. Members are not entitled to receive compensation but
6 26 public members shall receive reimbursement of expenses from
6 27 the department as provided in section 7E.6.
6 28 5. Seven members constitute a quorum and the affirmative
6 29 vote of a majority of both the nonpublic members and public
6 30 members present is necessary for any substantive action to be
6 31 taken by the council. The majority shall not include any
6 32 member who has a conflict of interest and a statement by a
6 33 member that the member has a conflict of interest is
6 34 conclusive for this purpose. A vacancy in the membership does
6 35 not impair the duties of the council.



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7 1 6. The department shall assist the council in carrying out
7 2 the council's duties relative to the Iowa foods initiative by
7 3 doing all of the following:

7 4 a. Furnishing facilities, supplies, and clerical
7 5 assistance. The coordinator shall staff the council.

7 6 b. Executing contracts with or awarding moneys for
7 7 programs or projects as provided in section 190B.3.

7 8 c. Administer the Iowa foods initiative fund as provided
7 9 in section 190B.5.

7 10 Sec. 5. NEW SECTION. 190B.5 IOWA FOODS INITIATIVE FUND.

7 11 1. An Iowa foods initiative fund is created in the state
7 12 treasury under the control of the department. The fund is
7 13 composed of moneys appropriated by the general assembly and
7 14 moneys available to and obtained or accepted by the department
7 15 from the United States or private sources for placement in the
7 16 fund.

7 17 2. Moneys in the fund are appropriated to the department
7 18 exclusively to administer its duties as provided in section
7 19 190B.3.

7 20 3. Section 8.33 shall not apply to moneys in the fund.
7 21 Notwithstanding section 12C.7, moneys earned as income or
7 22 interest from the fund shall remain in the fund until expended
7 23 as provided in this section.

7 24 EXPLANATION

7 25 This bill provides for an Iowa foods initiative, which is
7 26 to promote the production, handling, processing, and marketing
7 27 of Iowa's foods which are identity-preserved agricultural
7 28 products or organic agricultural products that are produced in
7 29 this state and intended for or marketed as foods or
7 30 agricultural products processed in this state and intended for
7 31 or marketed as foods.

7 32 The bill provides that the department of agriculture and
7 33 land stewardship is responsible for administering the
7 34 initiative. The bill provides for the appointment of a
7 35 coordinator to administer the initiative. The department is



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8 1 responsible for carrying out the initiative by implementing a
8 2 comprehensive strategy which must include: (1) monitoring the
8 3 current status of the production, handling, processing, and
8 4 marketing of identity=preserved agricultural products and
8 5 organic agricultural products; (2) serving as an information
8 6 clearinghouse to assist agricultural producers interested in
8 7 producing those products; (3) initiating or supporting
8 8 programs or projects which establish, improve, or expand
8 9 private and public efforts to develop markets for the
8 10 products; (4) providing for educational and promotional
8 11 campaigns designed to increase the public's awareness of the
8 12 products; and (5) assisting state and local governments when
8 13 considering legislative or administrative measures which may
8 14 have an impact upon the production, handling, processing, or
8 15 marketing of the products. The bill requires state and local
8 16 agencies to cooperate with the department in performing its
8 17 duties. The department is required to submit an annual report
8 18 to the legislative services agency regarding its activities
8 19 and goals.

8 20 The bill also establishes an Iowa organics advisory
8 21 council. The council is to provide general oversight of the
8 22 department's administration of the initiative and assist the
8 23 department in developing and carrying out its comprehensive
8 24 strategy. The council is composed of state officials who have
8 25 knowledge regarding identity=preserved agricultural products
8 26 and organic agricultural products, and public members
8 27 appointed by the secretary of agriculture who are presently
8 28 actively engaged or have long been actively engaged in the
8 29 production, handling, processing, or marketing of
8 30 identity=preserved agricultural products and organic
8 31 agricultural products. The bill provides a number of
8 32 procedures for the appointment, voting, conduct of meetings,
8 33 and reimbursement of members, which is consistent with other
8 34 statutes establishing citizen appointed members of official
8 35 bodies. The bill requires the department to assist the
9 1 council in performing its duties.

9 2 Finally, the bill establishes an Iowa foods initiative fund
9 3 under the control of the department. Moneys in the fund are
9 4 appropriated to the department exclusively to assist the
9 5 department in carrying out its duties under the bill.

9 6 LSB 1194HH 82

9 7 da:nh/cf/24



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House File 736 - Introduced

HOUSE FILE
BY DAVITT

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

A BILL FOR

- 1 An Act identifying a mid-Iowa network of commercial and
- 2 industrial highways.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2781YH 82
- 5 dea/je/5



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1 1 Section 1. NEW SECTION. 313.2B MID=IOWA NETWORK.
1 2 Notwithstanding the provisions in sections 307A.2 and
1 3 313.2A that require the commission to identify the network, a
1 4 mid=Iowa network of commercial and industrial highways is
1 5 established. The mid=Iowa network shall include the following
1 6 primary roads: commencing at the place where U.S. highway 30
1 7 intersects U.S. highway 169, proceed south on U.S. highway
1 8 169 to Iowa highway 92, then east on Iowa highway 92 to Iowa
1 9 highway 14, then north on Iowa highway 14 to U.S. highway 30,
1 10 and then west on U.S. highway 30 to the place where U.S.
1 11 highway 30 intersects U.S. highway 169.

1 12 EXPLANATION

1 13 Under current law, the state transportation commission is
1 14 responsible for identifying a network of commercial and
1 15 industrial highways. This bill identifies a particular set of
1 16 primary highways to form a mid=Iowa network of commercial and
1 17 industrial highways.

1 18 LSB 2781YH 82

1 19 dea:nh/je/5



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House File 737 - Introduced

HOUSE FILE
BY R. OLSON

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

A BILL FOR

- 1 An Act relating to license revocations and temporary restricted
- 2 licenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2362HH 82
- 5 rh/es/88



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House File 737 - Introduced continued

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1 1 Section 1. Section 321.215, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. The person's appointments with the
1 4 person's parole or probation officer.
1 5 Sec. 2. Section 321J.4, subsection 2, Code 2007, is
1 6 amended to read as follows:
1 7 2. If a defendant is convicted of a violation of section
1 8 321J.2, and the defendant's driver's license or nonresident
1 9 operating privilege has not already been revoked under section
1 10 321J.9 or 321J.12 for the occurrence from which the arrest
1 11 arose, the department shall revoke the defendant's driver's
1 12 license or nonresident operating privilege for two years if
1 13 the defendant has had a previous conviction or revocation
1 14 under this chapter. The defendant shall not be eligible for
1 15 any temporary restricted license for one year after the
1 16 effective date of revocation if the defendant's driver's
1 17 license or nonresident operating privilege has not already
1 18 been revoked under section 321J.9 and for ninety days after
1 19 the effective date of revocation if the defendant's driver's
1 20 license or nonresident operating privilege has not already
1 21 been revoked under section 321J.12. The defendant shall be
1 22 ordered to install an ignition interlock device of a type
1 23 approved by the commissioner of public safety on all vehicles
1 24 owned by the defendant if the defendant seeks a temporary
1 25 restricted license at the end of the minimum period of
1 26 ineligibility. A temporary restricted license shall not be
1 27 granted by the department until the defendant installs the
1 28 ignition interlock device.
1 29 Sec. 3. Section 321J.4, subsection 3, unnumbered paragraph
1 30 1, Code 2007, is amended to read as follows:
1 31 If the court defers judgment pursuant to section 907.3 for
1 32 a violation of section 321J.2, and if the defendant's driver's
1 33 license or nonresident operating privilege has not been
1 34 revoked under section 321J.9 or 321J.12, or has not otherwise
1 35 been revoked for the occurrence from which the arrest arose,



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2 1 the department shall revoke the defendant's driver's license
2 2 or nonresident operating privilege for a period of not less
2 3 than thirty days ~~nor more than ninety days~~. The defendant
2 4 shall not be eligible for any temporary restricted license for
2 5 at least ninety days if a test was refused.

2 6 Sec. 4. Section 321J.4, subsection 9, paragraph a, Code
2 7 2007, is amended to read as follows:

2 8 a. A person whose noncommercial driver's license has
2 9 either been revoked under this chapter, or revoked or
2 10 suspended under chapter 321 solely for violations of this
2 11 chapter, or who has been determined to be a habitual offender
2 12 under chapter 321 based ~~solely on violations of this chapter~~
2 13 ~~or~~ on violations listed in section 321.560, subsection 1,
2 14 paragraph "b", and who is not eligible for a temporary
2 15 restricted license under this chapter may petition the court
2 16 upon the expiration of the minimum period of ineligibility for
2 17 a temporary restricted license provided for under this
2 18 section, section 321J.9, 321J.12, 321J.20, or 321.560, for an
2 19 order to the department to require the department to issue a
2 20 temporary restricted license to the person notwithstanding
2 21 section 321.560.

2 22 Sec. 5. Section 321J.12, subsection 2, paragraph d, Code
2 23 2007, is amended to read as follows:

2 24 d. A person whose license or privileges have been revoked
2 25 under subsection 1, paragraph "b", for one year shall not be
2 26 eligible for any temporary restricted license for ~~one year~~
2 27 ninety days after the effective date of the revocation, and
2 28 the person shall be ordered to install an ignition interlock
2 29 device of a type approved by the commissioner of public safety
2 30 on all vehicles owned or operated by the defendant if the
2 31 defendant seeks a temporary restricted license at the end of
2 32 the minimum period of ineligibility. A temporary restricted
2 33 license shall not be granted by the department until the
2 34 defendant installs the ignition interlock device.

2 35 Sec. 6. Section 321J.20, subsection 1, unnumbered



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3 1 paragraph 1, Code 2007, is amended to read as follows:

3 2 The department may, on application, issue a temporary
3 3 restricted license to a person whose noncommercial driver's
3 4 license is revoked under this chapter allowing the person to
3 5 drive to and from the person's home and specified places at
3 6 specified times which can be verified by the department and
3 7 which are required by the person's full-time or part-time
3 8 employment, continuing health care or the continuing health
3 9 care of another who is dependent upon the person, continuing
3 10 education while enrolled in an educational institution on a
3 11 part-time or full-time basis and while pursuing a course of
3 12 study leading to a diploma, degree, or other certification of
3 13 successful educational completion, substance abuse treatment,
3 14 ~~and~~ court-ordered community service responsibilities, and
3 15 appointments with the person's parole or probation officer if
3 16 the person's driver's license has not been revoked previously
3 17 under section 321J.4, 321J.9, or 321J.12 and if any of the
3 18 following apply:

3 19 EXPLANATION

3 20 This bill relates to license revocations and temporary
3 21 restricted licenses in operating-while-intoxicated cases.
3 22 The bill provides that if a defendant is convicted of a
3 23 violation of section 321J.2 (Iowa's
3 24 operating-while-intoxicated law), and the defendant's driver's
3 25 license or nonresident operating privilege has not already
3 26 been revoked for the occurrence from which the arrest arose,
3 27 the defendant shall not be eligible for a temporary restricted
3 28 license for 90 days after the effective date of the
3 29 defendant's license revocation in cases where the defendant
3 30 submitted to chemical testing and the test results indicated
3 31 the presence of a controlled substance or other drug or an
3 32 alcohol concentration equal to or in excess of the blood
3 33 alcohol levels prohibited in Code section 321J.2. Current law
3 34 provides that in such a case a defendant is not eligible for a
3 35 work permit for one year after the effective date of



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4 1 revocation.

4 2 The bill provides that if the court defers judgment for a
4 3 violation of Code section 321J.2, and if the defendant's
4 4 driver's license or nonresident operating privilege has not
4 5 been revoked, the department of transportation shall revoke
4 6 the defendant's driver's license or nonresident operating
4 7 privilege for a period of not less than 30 days. Current law
4 8 provides that the department of transportation shall revoke
4 9 the defendant's driver's license or nonresident operating
4 10 privilege for a period of not less than 30 days nor more than
4 11 90 days.

4 12 The bill makes conforming changes to chapter 321J
4 13 concerning a person declared to be a habitual offender and the
4 14 issuance of a temporary restricted license due to a
4 15 combination of offenses under both chapter 321 and 321J
4 16 consistent with current law contained in section 321.560.

4 17 The bill provides that the department of transportation
4 18 may, on application, issue a temporary restricted license to a
4 19 person whose noncommercial driver's license is revoked under
4 20 Code chapter 321 (motor vehicles and law of the road) or Code
4 21 chapter 321J allowing the person to drive to and from the
4 22 person's appointments with the person's parole or probation
4 23 officer if the person's driver's license has not been revoked
4 24 previously under Code chapter 321J and certain conditions
4 25 apply. Current law also allows the department of
4 26 transportation to issue a temporary restricted license in such
4 27 cases allowing the person to drive to and from the person's
4 28 home and specified places at specified times which can be
4 29 verified by the department and which are required by the
4 30 person's full-time or part-time employment, continuing health
4 31 care or the continuing health care of another who is dependent
4 32 upon the person, continuing education while enrolled in an
4 33 educational institution on a part-time or full-time basis and
4 34 while pursuing a course of study leading to a diploma, degree,
4 35 or other certification of successful educational completion,



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- 5 1 substance abuse treatment, and court-ordered community service
- 5 2 responsibilities.
- 5 3 LSB 2362HH 82
- 5 4 rh:rj/es/88



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House File 738 - Introduced

HOUSE FILE
BY BAILEY

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

A BILL FOR

1 An Act relating to establishing a supply and material pooling
2 program between private employers of inmates and Iowa state
3 industries.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2672YH 82
6 jm/gg/14



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1 1 Section 1. Section 904.809, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 2A. Notwithstanding any other provision
1 4 of law to the contrary, the state director may, after
1 5 obtaining the advice of the industries board, participate in a
1 6 supply and material pooling program with a private employer of
1 7 inmates in order to provide for an enlarged purchasing pool of
1 8 supplies and materials.

1 9 EXPLANATION

1 10 This bill relates to establishing a supply and material
1 11 pooling program between private employers of inmates and Iowa
1 12 state industries.

1 13 The bill provides that the state director may, after
1 14 obtaining the advice of the industries board, participate in a
1 15 supply and material pooling program with a private employer of
1 16 inmates in order to provide for an enlarged purchasing pool of
1 17 supplies and materials.

1 18 LSB 2672YH 82

1 19 jm:nh/gg/14



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House File 739 - Introduced

HOUSE FILE
BY BERRY and ABDUL=SAMAD

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

A BILL FOR

- 1 An Act relating to the incorporation of historical contributions
- 2 by minorities and women into high school curricula.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2522HH 82
- 5 ak/es/88



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1 1 Section 1. Section 256.11, subsection 5, paragraph b,
1 2 unnumbered paragraph 1, Code 2007, is amended to read as
1 3 follows:
1 4 Five units of the social studies including instruction in
1 5 voting statutes and procedures, voter registration
1 6 requirements, the use of paper ballots and voting machines in
1 7 the election process, and the method of acquiring and casting
1 8 an absentee ballot. All students shall complete a minimum of
1 9 one-half unit of United States government, one-half unit of
1 10 African-American history, and one unit of United States
1 11 history. The one-half unit of United States government shall
1 12 include the voting procedure as described in this lettered
1 13 paragraph and section 280.9A. The government instruction
1 14 shall also include a study of the Constitution of the United
1 15 States and the Bill of Rights contained in the Constitution
1 16 and an assessment of a student's knowledge of the Constitution
1 17 and the Bill of Rights.
1 18 Sec. 2. Section 280.9A, subsection 1, Code 2007, is
1 19 amended to read as follows:
1 20 1. The board of directors of each local public school
1 21 district and the authorities in charge of each nonpublic
1 22 school shall require that all students in grades nine through
1 23 twelve complete, as a condition of graduation, instruction in
1 24 American history, African-American history, and the
1 25 governments of Iowa and the United States, including
1 26 instruction in voting statutes and procedures, voter
1 27 registration requirements, the use of paper ballots and voting
1 28 machines in the election process, and the method of acquiring
1 29 and casting an absentee ballot.
1 30 Sec. 3. DEPARTMENT OF EDUCATION TEXTBOOK STUDY. The
1 31 department of education shall appoint a committee of at least
1 32 three staff members with expertise in history or textbooks to
1 33 examine available and soon-to-be available high school history
1 34 textbooks from various publishers that include
1 35 African-Americans, women, Hispanics, and other minorities who



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2 1 were an integral part of the history of the United States.
2 2 The department's recommendations for new textbooks shall be
2 3 reported to the general assembly by January 1, 2008.
2 4 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
2 5 with section 25B.2, subsection 3, the state cost of requiring
2 6 compliance with any state mandate included in this Act shall
2 7 be paid by a school district from state school foundation aid
2 8 received by the school district under section 257.16. This
2 9 specification of the payment of the state cost shall be deemed
2 10 to meet all the state funding-related requirements of section
2 11 25B.2, subsection 3, and no additional state funding shall be
2 12 necessary for the full implementation of this Act by and
2 13 enforcement of this Act against all affected school districts.

2 14 EXPLANATION

2 15 This bill requires that African-American history become a
2 16 required course in high school curriculum.
2 17 The bill requires that a one-half unit of African-American
2 18 history be required as part of the five units of social
2 19 studies credits that high schools offer in order for public
2 20 and nonpublic schools to be accredited by the department of
2 21 education.
2 22 The bill also requires that school districts and
2 23 authorities in charge of accredited nonpublic schools ensure
2 24 that in order to graduate students complete a course in
2 25 African-American history. The bill also requires the
2 26 department of education to select at least three staff members
2 27 with expertise in either history or textbooks to examine
2 28 current or soon-to-be available history textbooks for content
2 29 that includes the contributions of women and minorities. The
2 30 department shall report its recommendations of new textbooks
2 31 to the general assembly by January 1, 2008.
2 32 The bill may include a state mandate as defined in Code
2 33 section 25B.3. The bill requires that the state cost of any
2 34 state mandate included in the bill be paid by a school
2 35 district from state school foundation aid received by the



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3 1 school district under Code section 257.16. The specification
3 2 is deemed to constitute state compliance with any state
3 3 mandate funding-related requirements of Code section 25B.2.
3 4 The inclusion of this specification is intended to reinstate
3 5 the requirement of political subdivisions to comply with any
3 6 state mandates included in the bill.
3 7 LSB 2522HH 82
3 8 ak:nh/es/88



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March 08, 2007

House File 740 - Introduced

HOUSE FILE
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HSB 37)

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

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 1408HV 82
- 5 av/je/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 08, 2007

House File 740 - Introduced continued

PAG LIN

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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House File 740 - Introduced continued

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 1408HV 82

2 23 av:rj/je/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 08, 2007

House File 741 - Introduced

HOUSE FILE
BY BAILEY

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

A BILL FOR

- 1 An Act relating to a statewide microenterprise survey and making
- 2 an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2731YH 82
- 5 tm/es/88



Iowa General Assembly
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House File 741 - Introduced continued

PAG LIN

1 1 Section 1. STATEWIDE MICROENTERPRISE SURVEY ==
1 2 APPROPRIATION.
1 3 1. There is appropriated from the general fund of the
1 4 state to the department of economic development for the fiscal
1 5 year beginning July 1, 2007, and ending June 30, 2008,
1 6 twenty-five thousand dollars for purposes of contracting for a
1 7 microenterprise survey of existing programs and financing
1 8 structures to support microenterprise development in the state
1 9 and to identify opportunities for coordinating and
1 10 strengthening existing programs and financing structures to
1 11 further develop microenterprises.
1 12 2. The microenterprise survey shall include a review of
1 13 Iowa's small business development centers, entrepreneurial
1 14 centers in the state, programs and courses offered through
1 15 community colleges, community action agency programs, Iowa
1 16 state university cooperative extension service programs,
1 17 programs of the department of economic development, and
1 18 targeted small business programs and the current and potential
1 19 involvement of such programs with and in support of
1 20 microenterprises. The survey shall involve banks, utilities,
1 21 credit unions, and local chambers of commerce in identifying
1 22 opportunities for further supporting microenterprise
1 23 development. The survey shall review successful programs in
1 24 other states to support microenterprises for possible
1 25 application in Iowa.
1 26 3. The department of economic development shall seek
1 27 additional funding and technical support for conducting the
1 28 survey.
1 29 4. The survey shall be completed by September 2007.
1 30 5. For purposes of this section, "microenterprise
1 31 development" means an income generating strategy that assists
1 32 low to moderate income individuals, often in rural areas or
1 33 distressed areas of the state, in starting or expanding
1 34 microenterprises. "Microenterprise" means any business that
1 35 has fewer than five employees. Microenterprise development



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House File 741 - Introduced continued

2 1 activities include basic information, training, and advising
2 2 on business development, access to services and markets, and
2 3 capital availability in the form of low-cost loans in an
2 4 amount not to exceed twenty-five thousand dollars.

2 5 EXPLANATION

2 6 This bill relates to a statewide microenterprise survey.

2 7 The bill appropriates from the general fund of the state to
2 8 the department of economic development for fiscal year
2 9 2007=2008, \$25,000 for purposes of contracting for a
2 10 microenterprise survey of existing programs and financing
2 11 structures to support microenterprise development in the state
2 12 and to identify opportunities for coordinating and
2 13 strengthening existing programs and financing structures to
2 14 further develop microenterprises.

2 15 The bill provides that the microenterprise survey shall
2 16 include a review of Iowa's small business development centers,
2 17 entrepreneurial centers in the state, programs and courses
2 18 offered through community colleges, community action agency
2 19 programs, Iowa state university cooperative extension service
2 20 programs, programs of the department of economic development,
2 21 and targeted small business programs and the current and
2 22 potential involvement of such programs with and in support of
2 23 microenterprises. The bill provides that the survey shall
2 24 involve banks, utilities, credit unions, and local chambers of
2 25 commerce in identifying opportunities for further supporting
2 26 microenterprise development. The bill provides that the
2 27 survey shall review successful programs in other states to
2 28 support microenterprises for possible application in Iowa.

2 29 The bill requires the department of economic development to
2 30 seek additional funding and technical support for conducting
2 31 the survey.

2 32 The bill provides that the survey shall be completed by
2 33 September 2007.

2 34 LSB 2731YH 82

2 35 tm:nh/es/88



Iowa General Assembly
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House Joint Resolution 7 - Introduced

HOUSE JOINT RESOLUTION

BY WIENCEK, HEATON, PAULSEN,
 RAECKER, JACOBS, WATTS, HUSEMAN,
 TYMESON, DE BOEF, ROBERTS, MAY,
 DEYOE, RAYHONS, ARNOLD, BOAL,
 VAN ENGELLENHOVEN, GRANZOW,
 LUKAN, SODERBERG, DOLECHECK,
 TJEPKES, BAUDLER, S. OLSON,
 L. MILLER, KAUFMANN, STRUYK,
 DRAKE, ALONS, WORTHAN, SCHICKEL,
 VAN FOSSEN, GRASSLEY, RANTS,
 GIPP, CLUTE, UPMEYER, GREINER,
 HORBACH, CHAMBERS, and TOMENGA

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
 2 the State of Iowa relating to certain funds received for
 3 senior programs.
 4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 1460YH 82
 6 pf/es/88



Iowa General Assembly
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House Joint Resolution 7 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:

1 3 Article VII of the Constitution of the State of Iowa is
1 4 amended by adding the following new section:

1 5 SENIOR PROGRAM FUNDS. SEC. 10. All funds received through
1 6 the nursing facility reimbursement methodology that maximizes
1 7 federal matching funds for nursing facility reimbursements and
1 8 utilizes intergovernmental transfer agreements, with the
1 9 exception of administrative costs, shall be used only for the
1 10 purposes of services for seniors including but not limited to
1 11 home and community-based services and less restrictive levels
1 12 of residential care.

1 13 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 14 to the Constitution of the State of Iowa is referred to the
1 15 General Assembly to be chosen at the next general election for
1 16 members of the General Assembly and the Secretary of State is
1 17 directed to cause the same to be published for three
1 18 consecutive months previous to the date of that election as
1 19 provided by law.

1 20 EXPLANATION

1 21 This joint resolution proposes an amendment to the
1 22 Constitution of the State of Iowa regarding funds received
1 23 through the nursing facility reimbursement methodology that
1 24 maximizes federal matching funds for nursing facility
1 25 reimbursements and utilizes intergovernmental transfer
1 26 agreements. With the exception of administrative costs, these
1 27 funds are to be used only for the purposes of services for
1 28 seniors including but not limited to home and community-based
1 29 services and less restrictive levels of residential care. The
1 30 joint resolution, if adopted, would be referred to the next
1 31 general assembly for adoption a second time before being
1 32 submitted to the electorate for ratification.

1 33 LSB 1460YH 82

1 34 pf:rj/es/88.2



Iowa General Assembly
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House Study Bill 283

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON THOMAS)

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

A BILL FOR

1 An Act establishing a renewable energy physical infrastructure
2 assistance program, and providing effective and retroactive
3 applicability dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2845YC 82
6 rn/gg/14



Iowa General Assembly
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House Study Bill 283 continued

PAG LIN

1 1 Section 1. NEW SECTION. 15G.301 DEFINITIONS.
1 2 As used in this subchapter, unless the context otherwise
1 3 requires:
1 4 1. "Department" means the Iowa department of economic
1 5 development created in section 15.105.
1 6 2. "Renewable energy" means energy sources including but
1 7 not limited to wind turbine, solar, waste management,
1 8 refuse-derived fuel, hydroelectric, agricultural crops or
1 9 residues, and woodburning.
1 10 3. "Renewable energy physical infrastructure development
1 11 or redevelopment projects" means projects relating to
1 12 construction or creation of physical infrastructure necessary
1 13 for advanced manufacturing projects which the department
1 14 determines contribute, in whole or in part, to the support and
1 15 advancement of or partnering with renewable energy initiatives
1 16 in this state.
1 17 Sec. 2. NEW SECTION. 15G.302 RENEWABLE ENERGY PHYSICAL
1 18 INFRASTRUCTURE FINANCIAL ASSISTANCE PROGRAM.
1 19 1. The department shall establish a renewable energy
1 20 physical infrastructure financial assistance program to
1 21 provide financial assistance for renewable energy physical
1 22 infrastructure development or redevelopment projects in this
1 23 state. Renewable energy physical infrastructure development
1 24 or redevelopment projects that create the necessary
1 25 infrastructure for renewable energy throughout the state, that
1 26 provide the opportunity for the creation of quality, high-wage
1 27 jobs, and that involve substantial capital investment are
1 28 eligible for financial assistance under the program if the
1 29 projects could not be assisted through or would not be
1 30 eligible for financial assistance from other existing private,
1 31 local, or state funds or programs.
1 32 2. The department shall by rule establish procedures and
1 33 guidelines for the program, including application forms and
1 34 award criteria, and shall coordinate distributions from the
1 35 renewable energy physical infrastructure financial assistance



**Iowa General Assembly
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March 08, 2007**

House Study Bill 283 continued

2 1 program fund established in section 15G.303. In establishing
2 2 the procedures and guidelines, the department shall consult
2 3 with the department of agriculture and land stewardship, the
2 4 department of natural resources, the utilities board, and any
2 5 other appropriate state agency responsible for the development
2 6 or redevelopment of renewable energy physical infrastructure
2 7 in this state to ensure that activities conducted pursuant to
2 8 this section are consistent with the policies and plans of
2 9 other state agencies and are coordinated with other renewable
2 10 energy physical infrastructure projects.

2 11 Sec. 3. NEW SECTION. 15G.303 RENEWABLE ENERGY PHYSICAL
2 12 INFRASTRUCTURE FINANCIAL ASSISTANCE PROGRAM == FUND
2 13 ESTABLISHED.

2 14 1. A renewable energy physical infrastructure financial
2 15 assistance program fund is established in the state treasury
2 16 under the control of the department. The fund shall consist
2 17 of appropriations made to the fund and other moneys available
2 18 to and obtained or accepted by the department from federal or
2 19 private sources to the credit of the fund. Notwithstanding
2 20 section 12C.7, subsection 2, interest or earnings on moneys in
2 21 the fund shall be credited to the fund.

2 22 2. Moneys available in the fund for a fiscal year are
2 23 appropriated to the department to be used for the purpose of
2 24 providing financial assistance under section 15G.302, in the
2 25 form of grants, loans, forgivable loans, guaranteed loans,
2 26 cost-sharing, indemnification of costs, or any combination of
2 27 financial assistance deemed by the department to be most
2 28 efficient in facilitating a renewable energy physical
2 29 infrastructure project.

2 30 3. In administering the fund, the department may enter
2 31 into contracts and sue or be sued, but shall not in any manner
2 32 directly or indirectly pledge the credit of the state. The
2 33 department may authorize payment of costs, commissions,
2 34 attorney fees, consultant fees, and other reasonable expenses
2 35 from the fund. Expenses may include costs relating to



Iowa General Assembly
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March 08, 2007

House Study Bill 283 continued

3 1 carrying out the duties necessary for insuring or guaranteeing
3 2 loans, cosharing or indemnifying costs under the program, and
3 3 the recovery of loans insured or guaranteed or costs coshared
3 4 or indemnified, or the management of property acquired in
3 5 connection with such grants, loans, or costs.

3 6 4. Notwithstanding section 8.33, moneys in the fund shall
3 7 not revert.

3 8 Sec. 4. Section 15.335, subsection 1, unnumbered paragraph
3 9 1, Code 2007, is amended to read as follows:

3 10 An eligible business may claim a corporate tax credit for
3 11 increasing research activities in this state during the period
3 12 the eligible business is participating in the program. For
3 13 purposes of this section, "research activities" includes the
3 14 development and deployment of innovative renewable energy
3 15 generation components manufactured or assembled in this state.
3 16 For purposes of this section, "innovative renewable energy
3 17 generation components" does not include a component with more
3 18 than two hundred megawatts of installed effective nameplate
3 19 capacity. The tax credits for innovative renewable energy
3 20 generation components shall not exceed ~~one~~ five million
3 21 dollars.

3 22 Sec. 5. Section 422.10, subsection 3, Code 2007, is
3 23 amended by adding the following new unnumbered paragraph:

3 24 NEW UNNUMBERED PARAGRAPH. For purposes of this section,
3 25 "research activities" means activities including but not
3 26 limited to the development and deployment of innovative
3 27 renewable energy generation components manufactured or
3 28 assembled in this state.

3 29 Sec. 6. Section 422.33, subsection 5, Code 2007, is
3 30 amended by adding the following new paragraph:

3 31 NEW PARAGRAPH. h. For purposes of this subsection,
3 32 "research activities" includes but is not limited to the
3 33 development and deployment of innovative renewable energy
3 34 generation components manufactured or assembled in this state.

3 35 Sec. 7. EFFECTIVE AND APPLICABILITY DATES. The sections



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House Study Bill 283 continued

4 1 of this Act, amending sections 15.335, 422.10, and 422.33,
4 2 being deemed of immediate importance, takes effect upon
4 3 enactment and is retroactively applicable to January 1, 2007.

4 4 EXPLANATION

4 5 This bill creates a renewable energy physical
4 6 infrastructure assistance program within the department of
4 7 economic development. The purpose of the program is to
4 8 provide financial assistance for renewable energy physical
4 9 infrastructure development or redevelopment projects in this
4 10 state. The bill defines a "renewable energy physical
4 11 infrastructure development or redevelopment project" to refer
4 12 to projects relating to construction or creation of physical
4 13 infrastructure necessary for advanced manufacturing projects
4 14 which the department determines contribute, in whole or in
4 15 part, to the support and advancement of or partnering with
4 16 renewable energy initiatives in this state. The bill provides
4 17 that projects that create the necessary infrastructure for
4 18 renewable energy throughout the state, that provide the
4 19 opportunity for the creation of quality, high-wage jobs, and
4 20 that involve substantial capital investment are eligible for
4 21 financial assistance under the program, if the projects could
4 22 not be assisted through or would not be eligible for financial
4 23 assistance from other existing private, local, or state funds
4 24 or programs.

4 25 The bill provides that the department shall by rule
4 26 establish procedures and guidelines for the program, including
4 27 application forms and award criteria, in coordination with
4 28 other interested state agencies, and shall coordinate
4 29 distributions from a renewable energy physical infrastructure
4 30 financial assistance program fund established in the bill
4 31 under the control of the department. The bill provides that
4 32 moneys available in the fund for a fiscal year are
4 33 appropriated to the department to be used for the purpose of
4 34 providing financial assistance to program applicants in the
4 35 form of grants, loans, forgivable loans, guaranteed loans,



Iowa General Assembly
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House Study Bill 283 continued

5 1 cost sharing, indemnification of costs, or any combination of
5 2 financial assistance deemed by the department to be most
5 3 efficient in facilitating a physical infrastructure project.
5 4 The bill specifies the authority of the department in
5 5 administering the fund.
5 6 Additionally, the bill expands or modifies research and
5 7 development tax credits. The bill increases the tax credit
5 8 for innovative renewable energy generation components
5 9 available in Code section 15.335 from an amount not to exceed
5 10 \$1 million to an amount not to exceed \$5 million, and provides
5 11 a definition of "research activities" applicable to the tax
5 12 credits for increasing research activities contained in Code
5 13 sections 422.10 and 422.33 as referring to the development and
5 14 deployment of innovative renewable energy generation
5 15 components manufactured or assembled in this state.
5 16 The provisions of the bill amending Code sections 15.335,
5 17 427.10, and 422.33 take effect upon enactment, and are
5 18 retroactively applicable to January 1, 2007.
5 19 LSB 2845YC 82
5 20 rn:rj/gg/14



**Iowa General Assembly
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Senate Amendment 3086

PAG LIN

1 1 Amend Senate File 403 as follows:

1 2 #1. By striking page 2, line 35, through page 3,

1 3 line 13.

1 4 #2. Page 10, by inserting after line 21 the

1 5 following:

1 6 <INFRASTRUCTURE, TECHNOLOGY, AND EQUIPMENT

1 7 REBUILD IOWA INFRASTRUCTURE FUND

1 8 Sec. ____ . IOWA JUVENILE HOME. There is

1 9 appropriated from the rebuild Iowa infrastructure fund

1 10 to the department of administrative services for the

1 11 fiscal year beginning July 1, 2006, and ending June

1 12 30, 2007, the following amount, or so much thereof as

1 13 is necessary, to be used for the purpose designated:

1 14 For the Iowa juvenile home powerhouse:

1 15 \$ 7,035,000

1 16 Notwithstanding section 8.33, moneys appropriated

1 17 in this section that remain unencumbered or

1 18 unobligated at the close of the fiscal year shall not

1 19 revert but shall remain available for expenditure for

1 20 the purposes designated until the close of the fiscal

1 21 year that begins July 1, 2010, or until the project

1 22 for which the appropriation was made is completed,

1 23 whichever is earlier.>

1 24 #3. Page 12, by inserting after line 32 the

1 25 following:

1 26 <____. There is appropriated from the general fund

1 27 of the state to the department of human services for

1 28 the fiscal year beginning July 1, 2006, and ending

1 29 June 30, 2007, the following amount, or so much

1 30 thereof as is necessary, to be used for the purposes

1 31 designated:

1 32 For allocation to a county as provided in this

1 33 section:

1 34 \$ 52,265>

1 35 #4. Page 12, line 33, by striking the word

1 36 <appropriation> and inserting the following:

1 37 <appropriations>.

1 38 #5. Page 15, line 25, by striking the word <ten>

1 39 and inserting the following: <five>.

1 40 #6. Page 16, line 19, by striking the word <ten>

1 41 and inserting the following: <five>.

1 42 #7. Page 16, line 34, by striking the word <ten>

1 43 and inserting the following: <five>.

1 44 #8. Page 17, line 11, by striking the word <ten>

1 45 and inserting the following: <five>.

1 46 #9. Page 17, line 25, by striking the word <ten>

1 47 and inserting the following: <five>.

1 48 #10. Page 18, line 4, by striking the word <ten>

1 49 and inserting the following: <five>.

1 50 #11. Page 19, line 2, by striking the word <ten>



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Senate Amendment 3086 continued

2 1 and inserting the following: <five>.
2 2 #12. Page 19, line 12, by striking the word <ten>
2 3 and inserting the following: <five>.
2 4 #13. Page 19, line 25, by striking the word <ten>
2 5 and inserting the following: <five>.
2 6 #14. By renumbering as necessary.
2 7
2 8
2 9
2 10 ROBERT E. DVORSKY
2 11 SF 403.201 82
2 12 jp/es/6270



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Senate Amendment 3087

PAG LIN

1 1 Amend Senate File 403 as follows:
1 2 #1. Page 2, by striking lines 12 through 31.
1 3 #2. By renumbering as necessary.
1 4
1 5
1 6
1 7 JEFF ANGELO
1 8 SF 403.501 82
1 9 jp/je/6271
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Senate Amendment 3088

PAG LIN

1 1 Amend Senate File 403 as follows:
1 2 #1. Page 13, by inserting after line 12 the
1 3 following:
1 4 <DIVISION ____
1 5 VIETNAM VETERANS BONUS
1 6 Sec. ____ . Section 35A.8, Code 2007, is amended by
1 7 adding the following new subsection:
1 8 NEW SUBSECTION. 5. a. The executive director
1 9 shall provide for the administration of the bonus
1 10 authorized in this subsection. The commission shall
1 11 adopt rules, pursuant to chapter 17A, as necessary to
1 12 administer this subsection including but not limited
1 13 to application procedures, investigation, approval or
1 14 disapproval, and payment of claims.
1 15 b. (1) A person who served on active duty for not
1 16 less than one hundred twenty days in the armed forces
1 17 of the United States at any time between July 1, 1973,
1 18 and May 31, 1975, both dates inclusive, and who at the
1 19 time of entering into active duty service was a legal
1 20 resident of the state of Iowa, and who had maintained
1 21 the person's residence in this state for a period of
1 22 at least six months immediately before entering into
1 23 active duty service, and was honorably discharged or
1 24 separated from active duty service, or is still in
1 25 active service in an honorable status, or has been
1 26 retired, or has been furloughed to a reserve, or has
1 27 been placed on inactive status is entitled to receive
1 28 from moneys appropriated for that purpose the sum of
1 29 seventeen dollars and fifty cents for each month that
1 30 the person was on active duty service in the Vietnam
1 31 service area, within the dates specified in this
1 32 subparagraph, if the veteran earned either a Vietnam
1 33 service medal or an armed forces expeditionary medal=
1 34 Vietnam or can otherwise establish service in the
1 35 Vietnam service area during that period. Compensation
1 36 under this subparagraph shall not exceed a total sum
1 37 of five hundred dollars. Compensation for a fraction
1 38 of a month shall not be considered unless the fraction
1 39 is sixteen days or more, in which case the fraction
1 40 shall be computed as a full month.
1 41 (2) A person otherwise qualified under this
1 42 paragraph "b" except that the person did not earn
1 43 either a Vietnam service medal or an armed forces
1 44 expeditionary medal=Vietnam, and did not serve in the
1 45 Vietnam service area during the period between July 1,
1 46 1973, and May 31, 1975, both dates inclusive, is
1 47 entitled to receive from moneys appropriated for that
1 48 purpose the sum of twelve dollars and fifty cents for
1 49 each month that the person was on active duty service,
1 50 within the dates specified in subparagraph (1).



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Senate Amendment 3088 continued

2 1 Compensation under this subparagraph shall not exceed
2 2 a total sum of three hundred dollars. Compensation
2 3 for a fraction of a month shall not be considered
2 4 unless the fraction is sixteen days or more, in which
2 5 case the fraction shall be computed as a full month.
2 6 (3) A person is not entitled to compensation
2 7 pursuant to this subsection if the person received a
2 8 bonus or compensation similar to that provided in this
2 9 subsection from another state.
2 10 (4) A person is not entitled to compensation
2 11 pursuant to this subsection if the person was on
2 12 active duty service after July 1, 1973, and the person
2 13 refused on conscientious, political, religious, or
2 14 other grounds, to be subject to military discipline.
2 15 (5) The surviving unremarried widow or widower,
2 16 child or children, mother, father, or person standing
2 17 in loco parentis, in the order named and none other,
2 18 of any deceased person shall be paid the compensation
2 19 that the deceased person would be entitled to pursuant
2 20 to this subsection, if living. However, if any person
2 21 has died or shall die, or is disabled, from
2 22 service-connected causes incurred during the period
2 23 and in the area from which the person is entitled to
2 24 receive compensation pursuant to this subsection, the
2 25 person or the first survivor as designated by this
2 26 subparagraph, and in the order named, shall be paid
2 27 five hundred dollars or three hundred dollars,
2 28 whichever maximum amount would have applied pursuant
2 29 to subparagraph (1) or (2), regardless of the length
2 30 of service.
2 31 (6) The maximum compensation a person may receive
2 32 pursuant to this subsection shall be reduced by the
2 33 amount of any Vietnam veterans bonus received from the
2 34 state for service prior to July 1, 1973.
2 35 c. A person who knowingly makes a false statement
2 36 relating to a material fact in supporting an
2 37 application under this subsection is guilty of a
2 38 serious misdemeanor. A person convicted pursuant to
2 39 this subsection shall forfeit all benefits to which
2 40 the person may have been entitled under this
2 41 subsection.
2 42 d. All payments and allowances made under this
2 43 subsection shall be exempt from taxation, levy, and
2 44 sale on execution.
2 45 e. The bonus compensation authorized under this
2 46 subsection shall be paid from moneys appropriated for
2 47 that purpose.
2 48 f. A Vietnam Conflict veterans bonus fund is
2 49 created in the state treasury. The Vietnam Conflict
2 50 veterans bonus fund shall consist of all moneys



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Senate Amendment 3088 continued

3 1 appropriated to the fund to pay the bonus compensation
 3 2 authorized in this subsection. Notwithstanding
 3 3 section 12C.7, interest or earnings on investments or
 3 4 time deposits of the moneys in the Vietnam Conflict
 3 5 veterans bonus fund shall be credited to the bonus
 3 6 fund. Section 8.33 does not apply to moneys
 3 7 appropriated to the Vietnam Conflict veterans bonus
 3 8 fund.
 3 9 Sec. ____ . VIETNAM CONFLICT VETERANS BONUS FUND
 3 10 APPROPRIATION. There is appropriated from the general
 3 11 fund of the state to the department of veterans
 3 12 affairs for the fiscal year beginning July 1, 2006,
 3 13 and ending June 30, 2007, the following amount, or so
 3 14 much thereof as is necessary, to be used for the
 3 15 purpose designated:
 3 16 For deposit in the Vietnam Conflict veterans bonus
 3 17 fund:
 3 18 \$ 500,000
 3 19 The amount credited to the Vietnam Conflict
 3 20 veterans bonus fund pursuant to this section is
 3 21 appropriated to the department to be used for the
 3 22 purposes of section 35A.8, subsection 5, as enacted in
 3 23 this division of this Act.>
 3 24 #2. By renumbering as necessary.
 3 25
 3 26
 3 27
 3 28 LARRY McKIBBEN
 3 29
 3 30
 3 31
 3 32 JAMES A. SEYMOUR
 3 33 SF 403.701 82
 3 34 jp/gg/6279



Iowa General Assembly
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Senate Amendment 3089

PAG LIN

1 1 Amend Senate File 355 as follows:
1 2 #1. Page 3, line 15, by striking the word
1 3 <minimum> and inserting the following: <maximum>.
1 4 #2. Page 3, line 23, by striking the word
1 5 <minimum> and inserting the following: <maximum>.
1 6 #3. Page 4, line 4, by striking the word <fewer>
1 7 and inserting the following: <more>.
1 8 #4. Page 4, by striking lines 17 through 27 and
1 9 inserting the following:
1 10 <5. PROJECT SIZE>.
1 11 #5. Page 4, line 28, by striking the word <b.>
1 12 #6. Page 6, line 15, by striking the word
1 13 <kilowatts> and inserting the following: <kilovolts>.
1 14 #7. By renumbering, relettering, or redesignating
1 15 and correcting internal references as necessary.
1 16
1 17
1 18
1 19 COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT,
1 20 DENNIS H. BLACK, CHAIRPERSON
1 21 SF 355.501 82
1 22 rn/je/7661
1 23
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Iowa General Assembly
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Senate Amendment 3090

PAG LIN

1 1 Amend Senate File 403 as follows:
1 2 #1. Page 13, by inserting after line 12 the
1 3 following:
1 4 <DIVISION ____
1 5 ENERGY UTILITY ASSESSMENT AND RESOLUTION PROGRAM
1 6 Sec. ____ . NEW SECTION. 216A.104 ENERGY UTILITY
1 7 ASSESSMENT AND RESOLUTION PROGRAM.
1 8 1. The general assembly finds that provision of
1 9 assistance to prevent utility disconnections will also
1 10 prevent the development of public health risks due to
1 11 such disconnections. The division shall establish an
1 12 energy utility assessment and resolution program
1 13 administered by each community action agency for
1 14 persons with low incomes who have or need a deferred
1 15 payment agreement or are in need of an emergency fuel
1 16 delivery to address home energy utility costs.
1 17 2. A person must meet all of the following
1 18 requirements to be eligible for the program:
1 19 a. The person is eligible for the federal
1 20 low-income home energy assistance program.
1 21 b. The person is a residential customer of an
1 22 energy utility approved for the program by the
1 23 division.
1 24 c. The person has or is in need of a deferred
1 25 payment agreement to address the person's home energy
1 26 utility costs.
1 27 d. The person is able to maintain or regain
1 28 residential energy utility service in the person's own
1 29 name.
1 30 e. The person provides the information necessary
1 31 to determine the person's eligibility for the program.
1 32 f. The person complies with other eligibility
1 33 requirements adopted in rules by the division.
1 34 3. The program components shall include but are
1 35 not limited to all of the following:
1 36 a. Analysis of a program participant's current
1 37 financial situation.
1 38 b. Review of a program participant's resource and
1 39 money management options.
1 40 c. Skills development and assistance for a program
1 41 participant in negotiating a deferred payment
1 42 agreement with the participant's energy utility.
1 43 d. Development of a written household energy
1 44 affordability plan.
1 45 e. Provision of energy conservation training and
1 46 assistance.
1 47 f. A requirement that a program participant must
1 48 make uninterrupted, regular utility payments while
1 49 participating in the program.
1 50 4. The division shall implement accountability



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Senate Amendment 3090 continued

2 1 measures for the program and require regular reporting
 2 2 on the measures by the community action agencies.
 2 3 5. The division shall implement the program
 2 4 statewide, subject to the funding made available for
 2 5 the program.
 2 6 Sec. _____. ENERGY UTILITY ASSESSMENT AND RESOLUTION
 2 7 PROGRAM == APPROPRIATION. There is appropriated from
 2 8 the general fund of the state to the division of
 2 9 community action agencies of the department of human
 2 10 rights for the fiscal year beginning July 1, 2006, and
 2 11 ending June 30, 2007, the following amount, or so much
 2 12 thereof as is necessary, to be used for the purpose
 2 13 designated:
 2 14 For implementation of the energy utility assessment
 2 15 and resolution program in accordance with section
 2 16 216A.104, as enacted by this division of this Act:
 2 17 \$ 1,000,000
 2 18 Notwithstanding section 8.33, moneys appropriated
 2 19 in this section that remain unencumbered or
 2 20 unobligated at the close of the fiscal year shall not
 2 21 revert but shall remain available for the purposes
 2 22 designated until the close of the succeeding fiscal
 2 23 year.>
 2 24 #2. By renumbering as necessary.
 2 25
 2 26
 2 27
 2 28 JEFF ANGELO
 2 29 SF 403.702 82
 2 30 jp/gg/6280



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Senate Amendment 3091

PAG LIN

1 1 Amend Senate File 417 as follows:
1 2 #1. Page 1, by inserting after line 11 the
1 3 following:
1 4 <NEW SUBSECTION. 6C. "Helper/apprentice" means a
1 5 person who assists a licensed contractor or mechanic
1 6 and who works under the general supervision of the
1 7 licensed contractor or mechanic.>
1 8 #2. Page 1, line 18, by inserting after the word
1 9 <mechanics> the following: <, and to establish the
1 10 scope of work for a helper/apprentice.>
1 11 #3. Page 1, line 23, by inserting after the word
1 12 <section.> the following: <This subsection does not
1 13 apply to a helper/apprentice working under the general
1 14 supervision of a licensed contractor or mechanic>.
1 15 #4. Page 1, line 31, by inserting after the word
1 16 <section.> the following: <This subsection does not
1 17 apply to a helper/apprentice working under the general
1 18 supervision of a licensed contractor or mechanic>.
1 19 #5. By renumbering as necessary.
1 20
1 21
1 22
1 23 DICK L. DEARDEN
1 24 SF 417.501 82
1 25 jr/je/6334
1 26
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Iowa General Assembly
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Senate File 416 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 1278)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to city elections by providing procedures for
- 2 filling a city council vacancy by special election and by
- 3 providing satellite absentee voting at certain city elections.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1850SV 82
- 6 eg/gg/14



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Senate File 416 - Introduced continued

PAG LIN

1 1 Section 1. Section 53.11, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Satellite absentee voting stations may be established
1 4 throughout the cities and county at the direction of the
1 5 commissioner and shall be established upon receipt of a
1 6 petition signed by not less than one hundred eligible electors
1 7 requesting that a satellite absentee voting station be
1 8 established at a location to be described on the petition.
1 9 However, if a special election is scheduled in the county on a
1 10 date that falls between the date of the regular city election
1 11 and the date of the city runoff election, the commissioner is
1 12 not required to establish a satellite absentee voting station
1 13 for the city runoff election.

1 14 PARAGRAPH DIVIDED. A satellite absentee voting station
1 15 established by petition must be open at least one day for a
1 16 minimum of six hours. A satellite absentee voting station
1 17 established at the direction of the commissioner or by
1 18 petition may remain open until five p.m. on the day before the
1 19 election.

1 20 Sec. 2. Section 53.11, subsection 2, paragraph b, Code
1 21 2007, is amended to read as follows:

1 22 b. For the regular city election or a city primary
1 23 election, no later than five p.m. on the thirtieth day before
1 24 the election.

1 25 Sec. 3. Section 53.11, subsection 2, Code 2007, is amended
1 26 by adding the following new paragraph:

1 27 NEW PARAGRAPH. bb. For a city runoff election, no later
1 28 than five p.m. on the twenty-first day before the election.

1 29 Sec. 4. Section 53.11, Code 2007, is amended by adding the
1 30 following new subsection:

1 31 NEW SUBSECTION. 5. If the only newspaper of general
1 32 circulation in the city is published once weekly or less
1 33 frequently, and it is not feasible for the commissioner to
1 34 publish notice in that newspaper of the location of a
1 35 satellite absentee voting station for a city runoff election



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Senate File 416 - Introduced continued

2 1 at least seven days before the opening of the station,
2 2 notwithstanding any publication or posting requirements to the
2 3 contrary, the commissioner shall post notice of the location
2 4 at least seven days before the opening of the station on the
2 5 commissioner's website, at each satellite absentee voting
2 6 station, at the county courthouse, at the city hall of the
2 7 city for which the runoff election is being conducted, and at
2 8 the public library of such city. In addition, the
2 9 commissioner shall provide written notice of the location of
2 10 the satellite absentee voting station to the candidates named
2 11 on the ballot for the city runoff election.

2 12 Sec. 5. Section 372.13, subsection 2, paragraph b,
2 13 unnumbered paragraph 1, Code 2007, is amended to read as
2 14 follows:

2 15 By a special election held to fill the office for the
2 16 remaining balance of the unexpired term. If the council opts
2 17 for a special election or a valid petition is filed under
2 18 paragraph "a", the special election may be held concurrently
2 19 with any pending election as provided by section 69.12 if by
2 20 so doing the vacancy will be filled not more than ninety days
2 21 after it occurs. Otherwise, a special election to fill the
2 22 office shall be called by the council at the earliest
2 23 practicable date. The council shall give the county
2 24 commissioner at least thirty-two days' written notice of the
2 25 date chosen for the special election. The council of a city
2 26 where a primary election may be required shall give the county
2 27 commissioner at least sixty days' written notice of the date
2 28 chosen for the special election. A special election held
2 29 under this subsection is subject to sections 376.4 through
2 30 376.11, but the dates for actions in relation to the special
2 31 election, ~~including dates for filing of nomination petitions,~~
2 32 shall be calculated with regard to the date for which the
2 33 special election is called. However, a nomination petition
2 34 must be filed not less than twenty-five days before the date
2 35 of the special election and, where a primary election may be



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Senate File 416 - Introduced continued

3 1 required, a nomination petition must be filed not less than
3 2 fifty-two days before the date of the special election.

3 3 EXPLANATION

3 4 This bill makes changes to the procedures used by cities to
3 5 fill a city council vacancy by special election and also makes
3 6 changes relating to the availability of satellite absentee
3 7 voting at city primary and city runoff elections, as follows:

3 8 1. The bill provides that satellite absentee voting
3 9 stations may be used for city primary elections and city
3 10 runoff elections. The bill also provides, however, that if
3 11 there is a special election scheduled between the day of the
3 12 regular city election and the day of the runoff election, the
3 13 county commissioner of elections is not required to establish
3 14 a satellite absentee voting station for the runoff election.

3 15 The bill also allows posting of notice of location of a
3 16 satellite absentee voting station for a city runoff election
3 17 if it is not feasible to publish the notice in a timely
3 18 manner.

3 19 2. The bill also provides that a nomination petition for a
3 20 special election called to fill a vacancy on a city council
3 21 must be filed not less than 25 days before the date of the
3 22 special election. For those cities where a primary election
3 23 may be required, the nomination petition must be filed not
3 24 less than 52 days before the date of the special election.

3 25 LSB 1850SV 82

3 26 eg:sc/gg/14



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Senate File 417 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SF 233)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the licensure of elevator contractors and
- 2 elevator mechanics and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2428SV 82
- 5 jr/es/88



Iowa General Assembly
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Senate File 417 - Introduced continued

PAG LIN

1 1 Section 1. Section 89A.1, Code 2007, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 6A. "Elevator contractor" means any
1 4 person who is engaged in the business of erecting,
1 5 constructing, installing, altering, servicing, repairing,
1 6 testing, or maintaining elevators or other conveyances covered
1 7 by this chapter.
1 8 NEW SUBSECTION. 6B. "Elevator mechanic" means any person
1 9 who installs, alters, repairs, or services an elevator,
1 10 dumbwaiter, escalator, moving sidewalk, or other conveyances
1 11 covered by this chapter.
1 12 Sec. 2. Section 89A.3, Code 2007, is amended by adding the
1 13 following new subsection:
1 14 NEW SUBSECTION. 7. The safety board shall adopt rules
1 15 establishing criteria for elevator contractor licenses and
1 16 containing criteria for approved continuing education programs
1 17 and instructors for elevator contractors and elevator
1 18 mechanics by January 1, 2008.
1 19 Sec. 3. NEW SECTION. 89A.20 APPLICATION FOR ELEVATOR
1 20 CONTRACTOR LICENSE.
1 21 1. Any person who performs services as an elevator
1 22 contractor shall obtain a license from the commissioner
1 23 pursuant to this section.
1 24 2. A license shall not be granted to any person who has
1 25 not demonstrated the person's qualifications and abilities, as
1 26 established in rules adopted by the safety board.
1 27 Sec. 4. NEW SECTION. 89A.21 APPLICATION FOR ELEVATOR
1 28 MECHANIC LICENSE.
1 29 1. Any person who performs services as an elevator
1 30 mechanic shall obtain a license from the commissioner pursuant
1 31 to this section.
1 32 2. A license shall not be granted to any person who has
1 33 not demonstrated the person's qualifications and abilities as
1 34 provided in this section. An applicant for an elevator
1 35 mechanic license shall demonstrate to the satisfaction of the



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Senate File 417 - Introduced continued

2 1 commissioner any of the following qualifications:

2 2 a. A certificate of completion and successful passage of
2 3 the mechanic examination of a nationally recognized training
2 4 program for the elevator industry such as the national
2 5 elevator industry educational program or its equivalent.

2 6 b. A certificate of completion of an apprenticeship
2 7 program for elevator mechanics having standards substantially
2 8 equal to those of this chapter, and registered with the office
2 9 of apprenticeship, employment and training administration,
2 10 United States department of labor.

2 11 c. Possession of a valid license from a state having
2 12 standards substantially equal to those of this chapter. An
2 13 applicant meeting the qualifications of this paragraph shall
2 14 be issued a license upon application and payment of the
2 15 license fee without examination.

2 16 d. Any person who furnishes the commissioner with
2 17 acceptable proof that the person has worked as an elevator
2 18 constructor or maintenance or repair person shall, upon making
2 19 application for a license and paying the license fee, be
2 20 entitled to receive a license without an examination. The
2 21 person shall have worked without direct and immediate
2 22 supervision for an elevator contractor licensed to do business
2 23 in this state. Such employment shall not have been for less
2 24 than three years immediately prior to the effective date of
2 25 this Act. The person must make application pursuant to this
2 26 paragraph within one year of the effective date of this Act.

2 27 e. A combination of documented experience and education
2 28 credits which is approved by the commissioner including not
2 29 less than three years' work experience in the elevator
2 30 industry, in construction, maintenance, and service or repair,
2 31 as verified by current and previous employers licensed to do
2 32 business in this state immediately prior to satisfactory
2 33 completion of a written examination administered by the
2 34 commissioner on the codes and standards currently in effect.

2 35 Sec. 5. NEW SECTION. 89A.22 ISSUANCE AND RENEWAL OF



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Senate File 417 - Introduced continued

3 1 LICENSES == FEES == CONTINUING EDUCATION.
3 2 1. Upon submission of an appropriate application, the
3 3 commissioner may issue an elevator contractor or elevator
3 4 mechanic license, which shall be renewable biennially. The
3 5 fee for such license and for any renewal shall be set by the
3 6 safety board by rule in an amount sufficient to meet the costs
3 7 of administration.
3 8 2. Whenever an emergency exists in the state due to
3 9 disaster, act of God, or work stoppage and the number of
3 10 persons in the state holding elevator mechanic licenses is
3 11 insufficient to cope with the emergency, a person who has a
3 12 combination of documented experience and education to perform
3 13 elevator work without direct and immediate supervision shall
3 14 seek an emergency elevator mechanic license from the
3 15 commissioner within five business days after commencing work
3 16 requiring a license under this chapter. The commissioner
3 17 shall issue such emergency temporary elevator mechanic
3 18 licenses if the combination of experience and education is
3 19 acceptable. The person requesting licensure shall furnish
3 20 proof of competency as the commissioner may require. Each
3 21 such license shall state that it is valid for a period of
3 22 sixty days from the date of issuance and for such particular
3 23 elevators or geographical areas as the commissioner may
3 24 designate and otherwise shall entitle the licensee to the
3 25 rights and privileges of an elevator mechanic licensed under
3 26 this chapter. The commissioner may renew an emergency
3 27 elevator mechanic license previously issued during the
3 28 existence of an emergency. A fee shall not be charged for an
3 29 emergency elevator mechanic license or renewal.
3 30 3. In situations where there are no licensed personnel
3 31 available to perform elevator work, the commissioner may issue
3 32 a temporary elevator mechanic license to any person who has a
3 33 combination of documented experience and education which is
3 34 acceptable to the commissioner, to perform elevator work
3 35 without direct and immediate supervision. The person shall



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4 1 immediately seek a temporary elevator mechanic license from
4 2 the commissioner and shall pay such fee as the safety board
4 3 shall determine. Each such license shall state that it is
4 4 valid for a period of thirty days from the date of issuance.
4 5 It shall be renewable as long as the shortage of license
4 6 holders continues.

4 7 4. a. The renewal of a permanent elevator mechanic or
4 8 elevator contractor license issued under this section shall be
4 9 conditioned upon the submission of a certificate of completion
4 10 of a course designed to ensure the continuing education of
4 11 licensees on subjects determined by the board in rule. Such
4 12 course shall consist of not less than eight hours of
4 13 instruction that shall be attended and completed within the
4 14 two-year period immediately preceding any such license
4 15 renewal.

4 16 b. The courses shall be taught by instructors through
4 17 continuing education providers that may include but shall not
4 18 be limited to association seminars and labor training
4 19 programs. The commissioner shall approve the continuing
4 20 education providers and instructors. Approved instructors
4 21 shall be exempt from the license renewal requirements of this
4 22 section, provided that such applicant was qualified as an
4 23 instructor at any time during the year immediately preceding
4 24 the scheduled date for such renewal.

4 25 c. A licensee who is unable to complete the continuing
4 26 education course required under this section prior to the
4 27 expiration of the person's license due to a temporary
4 28 disability may apply for a waiver from the safety board. The
4 29 application for such waiver shall be on a form provided by the
4 30 safety board which shall be signed under the penalty of
4 31 perjury and accompanied by a certified statement from a
4 32 competent physician attesting to such temporary disability.
4 33 Upon the termination of such temporary disability, such
4 34 licensee shall submit to the safety board a certified
4 35 statement from the same physician, if practicable, attesting



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Senate File 417 - Introduced continued

5 1 to the termination of such temporary disability, at which time
5 2 a waiver sticker, valid for ninety days, shall be issued to
5 3 such licensee and affixed to the person's license.

5 4 d. Approved continuing education providers shall keep
5 5 uniform records, for a period of ten years, of attendance of
5 6 licensees following a format approved by the commissioner and
5 7 such records shall be available for inspection by the
5 8 commissioner. Approved continuing education providers shall
5 9 be responsible for the security of all attendance records and
5 10 certificates of completion. Falsifying or knowingly allowing
5 11 another to falsify attendance records or certificates of
5 12 completion shall constitute grounds for suspension or
5 13 revocation of the approval required under paragraph "b".

5 14 Sec. 6. Section 89A.17, Code 2007, is amended by adding
5 15 the following new subsection:

5 16 NEW SUBSECTION. 3. Anyone other than an elevator
5 17 contractor or elevator mechanic licensed under this chapter
5 18 who installs, repairs, or maintains a conveyance, is guilty of
5 19 a simple misdemeanor. This subsection does not apply to
5 20 emergency personnel acting in the scope of an emergency.

5 21 Sec. 7. NEW SECTION. 89A.23 CIVIL PENALTIES ==
5 22 SUSPENSION AND REVOCATION OF LICENSES.

5 23 1. After conducting an investigation, the commissioner may
5 24 revoke, deny, or suspend a license in accordance with chapter
5 25 17A on any of the following grounds:

5 26 a. Any false statement as to material matter in the
5 27 license application.

5 28 b. Fraud, misrepresentation, or bribery in securing a
5 29 license.

5 30 c. Failure to notify the commissioner and the owner or
5 31 lessee of a conveyance or related mechanisms of any condition
5 32 not in compliance with this chapter.

5 33 d. Violation of any provision of this chapter.

5 34 2. A revocation, denial, or suspension of a license is
5 35 subject to review by the safety board as a contested case



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Senate File 417 - Introduced continued

6 1 pursuant to chapter 17A.

6 2 EXPLANATION

6 3 This bill establishes a licensing process for elevator
6 4 contractors and elevator mechanics. The bill lists the
6 5 qualifications to obtain each license, the information
6 6 required for the application, the duration of the license, and
6 7 continuing education and renewal requirements.

6 8 The bill sets up procedures for the suspension or
6 9 revocation of a license or assessment of a civil penalty, the
6 10 decision process, and the appeals process.

6 11 The bill prohibits anyone other than a licensed elevator
6 12 contractor or elevator mechanic from installing, repairing, or
6 13 maintaining a facility defined under Code chapter 89A. The
6 14 bill provides an exception for emergency personnel acting in
6 15 an emergency. Any unlicensed person performing service as an
6 16 elevator repair person, except in an emergency, is guilty of a
6 17 simple misdemeanor.

6 18 LSB 2428SV 82

6 19 jr:nh/es/88.1



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Senate File 418 - Introduced

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 136)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to registration fees for certain motor trucks and
- 2 providing effective and applicability dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2299SV 82
- 5 dea/je/5



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Senate File 418 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.109, subsection 1, paragraph a,
1 2 Code 2007, is amended to read as follows:
1 3 a. The annual fee for all motor vehicles including
1 4 vehicles designated by manufacturers as station wagons, ~~and~~
1 5 1993 and subsequent model years for multipurpose vehicles, and
1 6 2009 and subsequent model year motor trucks with an unladen
1 7 weight of seven thousand five hundred pounds or less, except
1 8 motor trucks registered under section 321.122, special trucks,
1 9 motor homes, ambulances, hearses, motorcycles, motorized
1 10 bicycles, and 1992 and older model years for multipurpose
1 11 vehicles, shall be equal to one percent of the value as fixed
1 12 by the department plus forty cents for each one hundred pounds
1 13 or fraction thereof of weight of vehicle, as fixed by the
1 14 department. The weight of a motor vehicle, fixed by the
1 15 department for registration purposes, shall include the weight
1 16 of a battery, heater, bumpers, spare tire, and wheel.
1 17 Provided, however, that for any new vehicle purchased in this
1 18 state by a nonresident for removal to the nonresident's state
1 19 of residence the purchaser may make application to the county
1 20 treasurer in the county of purchase for a transit plate for
1 21 which a fee of ten dollars shall be paid. And provided,
1 22 however, that for any used vehicle held by a registered dealer
1 23 and not currently registered in this state, or for any vehicle
1 24 held by an individual and currently registered in this state,
1 25 when purchased in this state by a nonresident for removal to
1 26 the nonresident's state of residence, the purchaser may make
1 27 application to the county treasurer in the county of purchase
1 28 for a transit plate for which a fee of three dollars shall be
1 29 paid. The county treasurer shall issue a nontransferable
1 30 certificate of registration for which no refund shall be
1 31 allowed; and the transit plates shall be void thirty days
1 32 after issuance. Such purchaser may apply for a certificate of
1 33 title by surrendering the manufacturer's or importer's
1 34 certificate or certificate of title, duly assigned as provided
1 35 in this chapter. In this event, the treasurer in the county



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Senate File 418 - Introduced continued

2 1 of purchase shall, when satisfied with the genuineness and
2 2 regularity of the application, and upon payment of a fee of
2 3 ten dollars, issue a certificate of title in the name and
2 4 address of the nonresident purchaser delivering the title to
2 5 the owner. If there is a security interest noted on the
2 6 title, the county treasurer shall mail to the secured party an
2 7 acknowledgment of the notation of the security interest. The
2 8 county treasurer shall not release a security interest that
2 9 has been noted on a title issued to a nonresident purchaser as
2 10 provided in this paragraph. The application requirements of
2 11 section 321.20 apply to a title issued as provided in this
2 12 subsection, except that a natural person who applies for a
2 13 certificate of title shall provide either the person's social
2 14 security number, passport number, or driver's license number,
2 15 whether the license was issued by this state, another state,
2 16 or another country. The provisions of this subsection
2 17 relating to multipurpose vehicles are effective January 1,
2 18 1993, for all 1993 and subsequent model years. The annual
2 19 registration fee for multipurpose vehicles that are 1992 model
2 20 years and older shall be in accordance with section 321.124.

2 21 Sec. 2. Section 321.122, subsection 1, unnumbered
2 22 paragraph 1, Code 2007, is amended to read as follows:

2 23 The annual registration fee for truck tractors, road
2 24 tractors, and motor trucks, except 2009 and subsequent model
2 25 year motor trucks with an unladen weight of seven thousand
2 26 five hundred pounds or less and motor trucks registered as
2 27 special trucks, shall be based on the combined gross weight of
2 28 the vehicle or combination of vehicles. All such trucks,
2 29 truck tractors, or road tractors registered under this section
2 30 shall be registered for a gross weight equal to or in excess
2 31 of the unladen weight of the vehicle or combination of
2 32 vehicles. The annual registration ~~fee~~ fees for such vehicles
2 33 or combination of vehicles, except special trucks, ~~shall be~~
2 34 are as follows:

2 35 Sec. 3. Section 321.123, subsection 2, Code 2007, is



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3 1 amended by adding the following new paragraph:

3 2 NEW PARAGRAPH. c. This subsection does not apply to motor
3 3 trucks registered under section 321.109.

3 4 Sec. 4. EFFECTIVE AND APPLICABILITY DATES. This Act takes
3 5 effect January 1, 2008, and applies to registrations of 2009
3 6 and subsequent model year motor trucks with an unladen weight
3 7 of seven thousand five hundred pounds or less.

3 8 EXPLANATION

3 9 This bill revises the method for calculating annual
3 10 registration fees for motor trucks with an unladen weight of
3 11 7,500 pounds or less. Currently, most such trucks are
3 12 registered based on combined gross weight for an annual fee of
3 13 \$65, which is reduced to \$55 when the vehicle is more than 10
3 14 model years old, \$45 when the vehicle is more than 13 model
3 15 years old, and \$35 when the vehicle is more than 15 model
3 16 years old.

3 17 The bill requires that 2009 and subsequent model year motor
3 18 trucks with an unladen weight of 7,500 pounds or less be
3 19 registered under the weight and value system that applies to
3 20 most passenger vehicles. Currently under that system,
3 21 registration fees are equal to 1 percent of the value of the
3 22 vehicle plus 40 cents for each 100 pounds of weight of the
3 23 vehicle. Registration fees based on weight and value are
3 24 automatically reduced according to the age of the vehicle
3 25 beginning when the vehicle is more than five model years old.

3 26 The bill takes effect January 1, 2008, and applies to
3 27 registrations of 2009 and subsequent model year motor trucks.
3 28 The bill does not alter the current flat fee schedule, which
3 29 will continue to apply to 2008 and previous model year trucks.

3 30 LSB 2299SV 82

3 31 dea:nh/je/5



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Senate File 419 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 219)

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Approved

Passed House, Date _____

Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning social gambling by religious institutions.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 1808SV 82
- 4 ec/es/88



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Senate File 419 - Introduced continued

PAG LIN

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

1 23 EXPLANATION

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



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



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Senate File 420 - Introduced

SENATE FILE
 BY COMMITTEE ON LABOR AND
 BUSINESS RELATIONS

(SUCCESSOR TO SF 182)

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

A BILL FOR

- 1 An Act providing that employees should be paid based on
- 2 comparable worth and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2448SV 82
- 5 ec/es/88



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Senate File 419 - Introduced continued

1 1 Section 1. Section 729.4, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Every person in this state is entitled to the
1 4 opportunity for employment on equal terms with every other
1 5 person. A person or employer shall not discriminate in the
1 6 employment of individuals because of race, religion, color,
1 7 sex, national origin, or ancestry, and shall not discriminate
1 8 in compensation for work of comparable worth between jobs of
1 9 that person or employer held predominately by women and jobs
1 10 of that person or employer held predominately by men.
1 11 "Comparable worth" means the value of work as measured by the
1 12 composite of the skill, effort, responsibility, and working
1 13 conditions normally required in the performance of work.
1 14 However, as to employment an individual must be qualified to
1 15 perform the services or work required.
1 16 EXPLANATION
1 17 This bill provides that a person or employer shall not
1 18 discriminate in providing compensation for work of comparable
1 19 worth between jobs predominately held by women and men. The
1 20 bill defines "comparable worth" as being the value of work as
1 21 measured by the skill, responsibility, and working conditions
1 22 involved in performing the work. A violation of this
1 23 provision constitutes a simple misdemeanor.
1 24 LSB 2448SV 82
1 25 ec:rj/es/88



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Senate File 421 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1308)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to workers' compensation laws by regulating
- 2 insurance policy exclusions and debt collection practices.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2817SV 82
- 5 av/gg/14



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Senate File 421 - Introduced continued

PAG LIN

1 1 Section 1. Section 85.1, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. Employers may with respect to an employee or a
1 4 classification of employees exempt from coverage provided by
1 5 this chapter pursuant to subsection 1, 2, or 3, ~~4, or 5,~~ other
1 6 than the employee or classification of employees with respect
1 7 to whom a rule of liability or a method of compensation is
1 8 established by the Congress of the United States, assume a
1 9 liability for compensation imposed upon employers by this
1 10 chapter, for the benefit of employees within the coverage of
1 11 this chapter, by the purchase of valid workers' compensation
1 12 insurance that does not specifically ~~including~~ exclude the
1 13 employee or classification of employees. The purchase of and
1 14 acceptance by an employer of valid workers' compensation
1 15 insurance applicable to the employee or classification of
1 16 employees constitutes an assumption by the employer of
1 17 liability without any further act on the part of the employer,
1 18 but only with respect to the employee or classification of
1 19 employees as are within the coverage of the workers'
1 20 compensation insurance contract and only for the time period
1 21 in which the insurance contract is in force. Upon an election
1 22 of such coverage, the employee or classification of employees
1 23 shall accept compensation in the manner provided by this
1 24 chapter and the employer shall be relieved from any other
1 25 liability for recovery of damage, or other compensation for
1 26 injury.
1 27 Sec. 2. Section 85.27, subsections 3 and 6, Code 2007, are
1 28 amended to read as follows:
1 29 3. Notwithstanding section 85.26, subsection 4, charges
1 30 believed to be excessive or unnecessary may be referred by the
1 31 employer, insurance carrier, or health service provider to the
1 32 workers' compensation commissioner for determination, and the
1 33 commissioner may utilize the procedures provided in sections
1 34 86.38 and 86.39, or set by rule, and conduct such inquiry as
1 35 the commissioner deems necessary. Any health service provider



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Senate File 421 - Introduced continued

2 1 charges not in dispute shall be paid directly to the health
2 2 service provider prior to utilization of procedures provided
2 3 in sections 86.38 and 86.39 or set by rule. A health service
2 4 provider rendering treatment to an employee whose injury is
2 5 compensable under this section agrees to be bound by such
2 6 charges as allowed by the workers' compensation commissioner
2 7 and shall not recover in law or equity any amount in excess of
2 8 charges set by the commissioner. When a dispute under chapter
2 9 85, 85A, or 85B regarding reasonableness of a fee for medical
2 10 services arises between a health service provider and an
2 11 employer or insurance carrier, the health service provider,
2 12 employer, or insurance carrier shall not seek payment from the
2 13 injured employee. A health service provider shall not seek
2 14 payment for fees in dispute from the insurance carrier or
2 15 employer until the commissioner finds, pursuant to informal
2 16 dispute resolution procedures established by rule by the
2 17 commissioner, that the disputed amount is reasonable.
2 18 6. While a contested case proceeding for determination of
2 19 liability for workers' compensation benefits is pending before
2 20 the workers' compensation commissioner relating to an injury
2 21 alleged to have given rise to treatment, no debt collection,
2 22 as defined by section 537.7102, shall be undertaken against an
2 23 employee or the employee's dependents for the collection of
2 24 charges for that treatment rendered an employee by any health
2 25 service provider. If debt collection is undertaken after a
2 26 creditor receives actual notice that a contested case
2 27 proceeding for determination of liability for workers'
2 28 compensation benefits is pending, such debt collection shall
2 29 constitute a prohibited practice under section 537.7103, and
2 30 the employee or the employee's dependents are entitled to the
2 31 remedies provided in section 537.5201. However, the health
2 32 service provider may send one itemized written bill to the
2 33 employee setting forth the amount of the charges in connection
2 34 with the treatment after notification of the contested case
2 35 proceeding.



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Senate File 421 - Introduced continued

3 1 Sec. 3. Section 537.7103, Code 2007, is amended by adding
3 2 the following new subsection:
3 3 NEW SUBSECTION. 7. A debt collector shall not collect or
3 4 attempt to collect charges from an employee or an employee's
3 5 dependents for treatment rendered the employee by any health
3 6 service provider, after receiving actual notice that a
3 7 contested case proceeding for determination of liability of
3 8 workers' compensation benefits is pending as provided in
3 9 section 85.27, subsection 6.

3 10 EXPLANATION

3 11 This bill relates to workers' compensation laws by
3 12 regulating insurance policy exclusions and debt collection
3 13 practices.

3 14 Code section 85.1, subsection 6, is amended to provide that
3 15 an employer assumes liability for workers' compensation
3 16 coverage of certain domestic, casual, and agricultural
3 17 employees that are exempt from workers' compensation
3 18 requirements, by purchasing coverage that does not
3 19 specifically exclude them. The bill also provides that an
3 20 employer cannot assume liability for workers' compensation
3 21 coverage of police officers and fire fighters who are entitled
3 22 to benefits under Code chapters 410 and 411, and certain
3 23 officers of a corporation other than a family farm corporation
3 24 who voluntarily reject workers' compensation coverage.
3 25 Currently, any employee exempt from workers' compensation
3 26 requirements under this section is covered under a workers'
3 27 compensation insurance policy only if the policy specifically
3 28 includes the employee.

3 29 Code section 85.27, subsection 3, is amended to prohibit a
3 30 health service provider from seeking payment for fees in
3 31 dispute from an insurance carrier or employer until the
3 32 commissioner finds the disputed amount to be reasonable
3 33 pursuant to informal dispute resolution procedures established
3 34 by the commissioner by rule.

3 35 Code section 85.27, subsection 6, and Code section 537.7103



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Senate File 421 - Introduced continued

4 1 are amended to provide that debt collection for charges
4 2 rendered to an employee by a health services provider that is
4 3 undertaken after a creditor receives actual notice that a
4 4 contested case proceeding for determination of liability for
4 5 workers' compensation benefits is pending, constitutes a
4 6 prohibited practice under the Iowa consumer credit code and
4 7 entitles the employee or the employee's dependents to the
4 8 remedies provided by the Iowa consumer credit code.
4 9 LSB 2817SV 82
4 10 av:rj/gg/14



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Senate File 422 - Introduced

SENATE FILE
BY BOLKCOM

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

A BILL FOR

- 1 An Act providing for the establishment of interconnection
- 2 standards for customer-generator facilities by the utilities
- 3 board.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2529XS 82
- 6 rn/je/5



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Senate File 422 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 476.26A INTERCONNECTION
1 2 STANDARDS.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Customer-generator" means a residential, commercial,
1 6 or industrial customer that generates electricity.
1 7 b. "Customer-generator facility" means the equipment used
1 8 by a customer-generator to generate, manage, and monitor
1 9 electricity.
1 10 c. "Electric utility" means any entity that furnishes
1 11 electricity to the public for compensation, whether or not
1 12 subject to the rate regulation authority of the board.
1 13 d. "Interconnection" means the physical connection of a
1 14 customer-generator facility with the electric distribution
1 15 lines of an electric utility's transmission and distribution
1 16 facilities.
1 17 2. The board shall establish standards by rule by July 1,
1 18 2008, for the interconnection of customer-generator facilities
1 19 to electric distribution lines of electric utility
1 20 transmission and distribution facilities. The standards shall
1 21 be designed to minimize the procedural barriers, delays, and
1 22 administrative costs associated with the interconnection while
1 23 ensuring the safety and reliability of customer-generator
1 24 facilities, electric distribution lines, and electric utility
1 25 transmission and distribution facilities.
1 26 3. The standards established in this section shall apply
1 27 to interconnections between customer-generator facilities of
1 28 up to ten thousand kilowatts capacity and all electric utility
1 29 transmission and distribution facilities, unless the
1 30 transaction is subject to interconnection procedures
1 31 established by the federal energy regulatory commission. The
1 32 standards shall involve three separate expedited sets of
1 33 procedures, to be developed by the board based on a review of
1 34 similar interconnection procedures established in other
1 35 states. The procedures shall be applicable to



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2 1 customer-generator facilities of up to ten kilowatts, up to
2 2 two thousand kilowatts, and up to ten thousand kilowatts,
2 3 respectively, that do not export power beyond the point of
2 4 interconnection. The standards developed shall be consistent
2 5 with applicable model rules established by the interstate
2 6 renewable energy council, United States department of energy.
2 7 4. Safety and reliability measures shall be established in
2 8 the standards as determined necessary and appropriate by the
2 9 board. The board shall ensure that the measures are
2 10 consistent with applicable safety and performance standards
2 11 established by the national electrical code, the institute of
2 12 electrical and electronics engineers, underwriters
2 13 laboratories, and the American national standards institute
2 14 while constituting a minimum cost and level of technical
2 15 difficulty to customer-generators.

2 16 5. The standards shall prohibit the imposition of
2 17 additional charges by electric utilities for equipment or
2 18 services for interconnection beyond those necessary to meet
2 19 the standards if those charges would exceed similar charges in
2 20 other states with interconnection standards as identified by
2 21 the board. The standards shall incorporate simplified
2 22 interconnection contracts for interconnections involving
2 23 customer-generator facilities of two thousand kilowatts or
2 24 less, and shall not require liability or other insurance in
2 25 excess of that typically obtained by customer-generators for
2 26 general liability insurance purposes.

EXPLANATION

2 27
2 28 This bill provides for the adoption of rules establishing
2 29 interconnection standards by the utilities board by July 1,
2 30 2008. The standards would apply to the interconnection of
2 31 customer-generator facilities of up to 10,000 kilowatts
2 32 capacity to electric distribution lines of electric utility
2 33 transmission and distribution facilities, and be designed to
2 34 minimize the procedural barriers, delays, and administrative
2 35 costs associated with the interconnection.



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Senate File 422 - Introduced continued

3 1 The bill defines a "customer-generator" as a residential,
3 2 commercial, or industrial customer that generates electricity;
3 3 an "electric utility" as any entity that furnishes electricity
3 4 to the public for compensation, whether or not subject to the
3 5 rate regulation authority of the board; and "interconnection"
3 6 as the physical connection of a customer-generator facility
3 7 with the electric distribution lines of an electric utility's
3 8 transmission and distribution facilities.

3 9 The bill provides that the standards shall involve three
3 10 separate expedited sets of procedures, to be developed by the
3 11 board based on a review of similar interconnection procedures
3 12 established in other states. The procedures shall apply to
3 13 customer-generator facilities of up to 10 kilowatts, up to
3 14 2,000 kilowatts, and up to 10,000 kilowatts that do not export
3 15 power beyond the point of interconnection, and shall be
3 16 consistent with applicable model rules established by the
3 17 interstate renewable energy council, United States department
3 18 of energy. The bill states that safety and reliability
3 19 measures shall be established in the standards as determined
3 20 necessary and appropriate by the board, and that the board
3 21 shall ensure they are consistent with applicable safety and
3 22 performance standards established by several specified
3 23 sources. The bill provides that the standards shall prohibit
3 24 the imposition of additional charges by electric utilities for
3 25 equipment or services for interconnection beyond those
3 26 necessary to meet the standards, or that exceed similar
3 27 charges in other states, and that simplified interconnection
3 28 contracts shall be included for customer-generator facilities
3 29 of 2,000 kilowatts or less. The standards shall also not
3 30 require liability or other insurance in excess of that
3 31 typically obtained by customer-generators for general
3 32 liability insurance purposes.

3 33 LSB 2529XS 82

3 34 rn:rj/je/5.1



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Senate File 423 - Introduced

SENATE FILE
BY MCKINLEY

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

A BILL FOR

1 An Act requiring employers to verify employees' legal presence in
2 the state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2571XS 82
5 ak/es/88



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Senate File 423 - Introduced continued

PAG LIN

1 1 Section 1. Section 84A.5, subsection 3, Code 2007, is
1 2 amended to read as follows:

1 3 3. The division of labor services is responsible for the
1 4 administration of the laws of this state under chapters 88,
1 5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
1 6 and 94A, and sections 30.7 and 85.68. The executive head of
1 7 the division is the labor commissioner, appointed pursuant to
1 8 section 91.2.

1 9 Sec. 2. NEW SECTION. 91F.1 DEFINITIONS.

1 10 1. "Commissioner" means the labor commissioner of the
1 11 division of labor services of the department of workforce
1 12 development.

1 13 2. "Employee" means a natural person who is employed in
1 14 this state for wages paid on an hourly basis by an employer.

1 15 3. "Employer" means a person, as defined in section 4.1,
1 16 who in this state employs for wages a natural person. An
1 17 employer does not include a client, patient, customer, or
1 18 other person who obtains professional services from a licensed
1 19 person who provides the services on a fee service basis or as
1 20 an independent contractor.

1 21 Sec. 3. NEW SECTION. 91F.2 LEGAL RESIDENCY VERIFICATION.

1 22 1. An employer who enters into a contract to perform work
1 23 for the state or an agency of the state must verify the lawful
1 24 presence of its employees in the state.

1 25 a. An employer shall be required to show proof of United
1 26 States citizenship, documentation issued by the United States
1 27 government as proof of legal presence in the country, or other
1 28 acceptable form of identification as determined by the
1 29 commissioner by rule for each current employee physically
1 30 present in the state.

1 31 b. Employers shall use the federal basic pilot program,
1 32 which is administered by the department of homeland security's
1 33 United States citizenship and immigration services bureau and
1 34 the social security administration, to verify the legal
1 35 residency or work status of newly hired employees physically



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2 1 present in the state. An employer shall be required to show
2 2 receipts from the federal program as proof of new employees'
2 3 legal residency or work status.
2 4 2. The requirements of this chapter shall be included with
2 5 every request for proposals that the state or an agency of the
2 6 state issues in order to give notice of the requirements to
2 7 employers and employees.
2 8 3. The commissioner shall adopt rules pursuant to chapter
2 9 17A to establish a reasonable schedule and process for
2 10 verification of legal residency under this chapter.
2 11 4. An employer who does not comply with this chapter or
2 12 the rules adopted pursuant to this chapter shall not be
2 13 awarded a contract to perform work for the state or an agency
2 14 of the state.

2 15 EXPLANATION

2 16 This bill requires employers who accept contracts from the
2 17 state or an agency of the state to verify the lawful presence
2 18 of its employees in the state.
2 19 The bill requires that employers provide proof of current
2 20 employees' United States citizenship, documentation issued by
2 21 the federal government of legal presence, or other acceptable
2 22 identification as determined by the labor commissioner. The
2 23 bill requires that employers use the federal basic pilot
2 24 program to verify the legal presence of newly hired employees,
2 25 and show a receipt from the program to verify an employee's
2 26 legal presence.
2 27 The bill requires that notice of these requirements be
2 28 included in every request for proposals that the state or an
2 29 agency of the state issues. The bill also states that the
2 30 commissioner shall adopt rules to establish a reasonable
2 31 schedule and process for verification by employers of the
2 32 legal residency of their employees.
2 33 The bill states that an employer who does not comply shall
2 34 not be awarded state contracts in the future.
2 35 LSB 2571XS 82



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Senate File 423 - Introduced continued

3 1 ak:rj/es/88



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Senate File 424 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1158)

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

A BILL FOR

1 An Act relating to the provision of medical services and
2 evaluation of permanent disabilities of injured employees
3 under workers' compensation laws, and providing an
4 applicability date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2059SV 82
7 av/je/5

PAG LIN



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Senate File 423 - Introduced continued

1 1 Section 1. Section 85.27, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. For purposes of this section, the employer is obliged
1 4 to furnish reasonable services and supplies to treat an
1 5 injured employee, and the employee has the right to choose the
1 6 care. ~~If the employer chooses the care, the~~ The employer
1 7 shall hold the employee harmless for the cost of the care
1 8 ~~until the employer notifies the employee that the employer is~~
~~1 9 no longer authorizing all or any part of the care and the~~
~~1 10 reason for the change in authorization. An employer is not~~
~~1 11 liable for the cost of care that the employer arranges in~~
~~1 12 response to a sudden emergency if the employee's condition,~~
~~1 13 for which care was arranged, is not related to the employment~~
1 14 chosen. The treatment must shall be offered promptly provided
1 15 in a timely manner and be reasonably suited to treat the
1 16 injury without undue inconvenience to the employee. If the
1 17 employer or employee has reason to be dissatisfied with the
1 18 care offered or provided, the employer or employee ~~should~~
1 19 shall communicate the basis of such dissatisfaction to the
1 20 employee or employer, in writing ~~if requested~~, following which
1 21 the employer and the employee may agree to alternate care
1 22 reasonably suited to treat the injury. If the employer and
1 23 employee cannot agree on such alternate care, the commissioner
1 24 may, upon application and reasonable proofs of the necessity
1 25 therefor, allow and order other care. ~~In an emergency, the~~
~~1 26 employee may choose the employee's care at the employer's~~
~~1 27 expense, provided the employer or the employer's agent cannot~~
~~1 28 be reached immediately.~~ An application made under this
1 29 subsection shall be considered an original proceeding for
1 30 purposes of commencement and contested case proceedings under
1 31 section 85.26. The hearing shall be conducted pursuant to
1 32 chapter 17A. Before a hearing is scheduled, the parties may
1 33 choose a telephone hearing or an in-person hearing. A request
1 34 for an in-person hearing shall be approved unless the
1 35 in-person hearing would be impractical because of the distance



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2 1 between the parties to the hearing. The workers' compensation
2 2 commissioner shall issue a decision within ten working days of
2 3 receipt of an application for alternate care ~~made pursuant to~~
~~2 4 a telephone hearing or within fourteen working days of receipt~~
~~2 5 of an application for alternate care made pursuant to an~~
~~2 6 in-person hearing.~~ The After receiving notice of an injury,
2 7 the employer shall promptly notify an injured employee of the
2 8 employee's ability to contest the employer's choice of right
2 9 to choose care pursuant to this subsection and the employer
2 10 and the employer's insurer shall not make suggestions or
2 11 otherwise attempt to influence the injured employee's choice
2 12 of a treating physician.

2 13 When it is medically indicated that no significant
2 14 improvement from an injury is anticipated, the employer shall
2 15 obtain a medical opinion regarding the extent of the
2 16 employee's permanent disability and may arrange for a medical
2 17 examination of the injured employee in order to do so. The
2 18 employee shall be paid wages, at the employee's regular rate,
2 19 plus whatever reasonable transportation expenses are incurred
2 20 while attending the examination. The physician chosen by the
2 21 employer to conduct the examination has the right to confer
2 22 with and obtain from any physician retained by the injured
2 23 employee sufficient history of the injury to make a proper
2 24 examination. The refusal of the employee to submit to the
2 25 examination shall suspend the employee's right to any
2 26 compensation during the period of the refusal. Compensation
2 27 shall not be payable for the period of the suspension.

2 28 Sec. 2. Section 85.39, unnumbered paragraph 1, Code 2007,
2 29 is amended to read as follows:

2 30 After an injury, the employee, if requested by the
~~2 31 employer, shall submit for examination at some reasonable time~~
~~2 32 and place and as often as reasonably requested, to a physician~~
~~2 33 or physicians authorized to practice under the laws of this~~
~~2 34 state or another state, without cost to the employee; but if~~
~~2 35 the employee requests, the employee, at the employee's own~~



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~~3 1 cost, is entitled to have a physician or physicians of the
3 2 employee's own selection present to participate in the
3 3 examination. After the employer obtains a medical opinion
3 4 regarding the extent of an injured employee's permanent
3 5 disability pursuant to section 85.27, subsection 4, and if the
3 6 injured employee believes that the evaluation of the permanent
3 7 disability contained in the opinion is too low, the employee
3 8 has the right to obtain another medical opinion from a
3 9 physician of the employee's choice, at the employer's expense.
3 10 If an employee is required to leave work for which the
3 11 employee is being paid wages to attend the requested an
3 12 examination to obtain another medical opinion, the employee
3 13 shall be compensated at the employee's regular rate for the
3 14 time the employee is required to leave work, and the employee
3 15 shall be furnished transportation to and from the place of
3 16 examination, or the employer may elect to pay the employee the
3 17 reasonable cost of the transportation. The refusal of the
3 18 employee to submit to the examination shall suspend the
3 19 employee's right to any compensation for the period of the
3 20 refusal. Compensation shall not be payable for the period of
3 21 suspension.~~

3 22 Sec. 3. Section 85.39, unnumbered paragraph 2, Code 2007,
3 23 is amended by striking the unnumbered paragraph.

3 24 Sec. 4. APPLICABILITY DATE. This Act applies to injuries
3 25 occurring on or after January 1, 2008.

3 26 EXPLANATION

3 27 This bill relates to the provision of medical services and
3 28 evaluation of permanent disabilities of injured employees
3 29 under the workers' compensation law.

3 30 Code section 85.27, subsection 4, is amended to give an
3 31 injured employee, instead of the employer, the right to choose
3 32 the provider of medical services, at the employer's expense.
3 33 If either the employee or the employer is dissatisfied with
3 34 the care offered or provided, written notice must be given to
3 35 the other party, and upon application and hearing the workers'



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4 1 compensation commissioner may allow and order other care. A
4 2 decision for alternate care must be issued by the commissioner
4 3 within 10 working days after receipt of the application for
4 4 alternate care.

4 5 Upon receiving notice of an injury, an employer is also
4 6 required to promptly notify an injured employee of the
4 7 employee's right to choose medical care and the employer and
4 8 the employer's insurer are prohibited from making suggestions
4 9 or otherwise attempting to influence the injured employee's
4 10 choice of a treating physician.

4 11 When it is medically indicated that no significant
4 12 improvement from an injury is anticipated, the employer is
4 13 required to obtain a medical opinion regarding the extent of
4 14 the employee's permanent disability and may arrange for a
4 15 medical examination of the injured employee in order to do so.
4 16 The employee must be paid regular wages and reasonable
4 17 transportation expenses incurred while attending the
4 18 examination. The physician chosen by the employer is entitled
4 19 to confer with and obtain from any physician retained by the
4 20 injured employee sufficient history to conduct a proper
4 21 examination. The refusal of an employee to submit to the
4 22 examination suspends the employee's right to any compensation
4 23 during the period of the refusal. Compensation is not payable
4 24 for the period of the refusal.

4 25 Code section 85.39 is amended to provide that after the
4 26 employer obtains a medical opinion regarding the extent of an
4 27 injured employee's permanent disability pursuant to Code
4 28 section 85.27, subsection 4, and if the employee believes the
4 29 extent of permanent disability identified in the opinion is
4 30 too low, the employee has the right to obtain another medical
4 31 opinion from a physician of the employee's choice, at the
4 32 employer's expense.

4 33 The bill is applicable to injuries occurring on or after
4 34 January 1, 2008.

4 35 LSB 2059SV 82



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5 1 av:rj/je/5



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Senate File 425 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1296)

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

A BILL FOR

- 1 An Act establishing an Iowa Abraham Lincoln bicentennial
- 2 commission and fund and providing for its prospective repeal.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1002SV 82
- 5 ec/je/5

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1 1 Section 1. NEW SECTION. 216A.121 IOWA ABRAHAM LINCOLN
1 2 BICENTENNIAL COMMISSION.
1 3 1. ORGANIZATION. An Iowa Abraham Lincoln bicentennial
1 4 commission is established in the department of human rights.
1 5 The commission shall be chartered and shall operate as a
1 6 nonprofit corporation within the state of Iowa, according to
1 7 the provisions of chapter 504.
1 8 2. PURPOSE. The purpose of the commission shall be to
1 9 plan, coordinate, and administer activities and programs
1 10 relating to the commemoration of the bicentennial of the birth
1 11 of Abraham Lincoln in 2009.
1 12 3. MEMBERSHIP. a. The commission shall consist of
1 13 twenty-one members, including seventeen voting members and
1 14 four nonvoting members.
1 15 (1) The voting members shall be as follows:
1 16 (a) The governor or the governor's designee.
1 17 (b) One member, appointed by the governor, who is an Iowa
1 18 designated representative to the federal Abraham Lincoln
1 19 bicentennial commission governors' council.
1 20 (c) One member appointed by the president of Humanities
1 21 Iowa.
1 22 (d) One member appointed by the director of the department
1 23 of economic development.
1 24 (e) One member appointed by the administrator of the state
1 25 historical society of Iowa.
1 26 (f) One member appointed by the executive director of the
1 27 Iowa arts council.
1 28 (g) One member appointed by the executive director of the
1 29 Iowa museum society.
1 30 (h) One member appointed by the president of the league of
1 31 Iowa human rights agencies.
1 32 (i) One member appointed by the president of the Iowa
1 33 league of cities.
1 34 (j) One member appointed by the director of the department
1 35 of education.



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2 1 (k) One member appointed by the chairperson of the state
2 2 board of regents.
2 3 (l) One member appointed by the president of the Iowa
2 4 library board.
2 5 (m) One member appointed by the chairperson of the Iowa
2 6 state chapter of the national association for the advancement
2 7 of colored people.
2 8 (n) Four public members, appointed by the governor, with a
2 9 demonstrated interest in history and substantial knowledge and
2 10 appreciation of Abraham Lincoln.
2 11 (2) The nonvoting members shall be two state
2 12 representatives, one appointed by the speaker of the house of
2 13 representatives and one by the minority leader of the house,
2 14 and two state senators, one appointed by the majority leader
2 15 of the senate and one by the minority leader of the senate.
2 16 b. Nine voting members of the board shall constitute a
2 17 quorum. Persons making appointments shall consult with one
2 18 another to ensure that the commission is balanced by gender,
2 19 political affiliation, and geographic location, and to ensure
2 20 selection of members representing diverse interest groups.
2 21 The provisions of chapters 21 and 22 shall apply to meetings
2 22 and records of the commission.
2 23 c. The commission shall elect a chairperson and vice
2 24 chairperson from the members of the commission. Commission
2 25 members shall serve without compensation, but shall be
2 26 reimbursed for actual and necessary expenses.
2 27 4. RULEMAKING AUTHORITY. The department, in cooperation
2 28 with the commission, may adopt rules in accordance with
2 29 chapter 17A in order to accomplish the purpose of the
2 30 commission.
2 31 5. AUTHORITY. The commission may receive and make grants,
2 32 receive and expend appropriations, contract for services, hold
2 33 licenses and copyrights, and otherwise act as is necessary to
2 34 accomplish the purpose of the commission.
2 35 6. FUND ESTABLISHED. The Abraham Lincoln bicentennial



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3 1 fund is established as a separate fund in the state treasury
3 2 under the control of the commission.
3 3 7. FUNDS RECEIVED. All funds received by the commission,
3 4 including but not limited to gifts, transfers, endowments,
3 5 moneys from the sale of mementos and products related to the
3 6 purposes of the commission, and appropriations, shall be
3 7 credited to the bicentennial fund and are appropriated to the
3 8 commission to be invested or used to support the activities of
3 9 the commission. Notwithstanding section 8.33, any balance in
3 10 the fund on June 30 of any fiscal year shall not revert to the
3 11 general fund of the state.

3 12 8. EXPIRATION. The commission shall expire no later than
3 13 June 30, 2010. Upon expiration, all fund balances from
3 14 appropriations of state funds shall be returned to the general
3 15 fund of the state, and all other assets shall be transferred
3 16 to the Iowa historical foundation authorized pursuant to
3 17 section 303.9, subsection 3, subject to any conditions or
3 18 restrictions previously placed on the assets.

3 19 9. This section is repealed June 30, 2010.

3 20 EXPLANATION

3 21 This bill establishes an Iowa Abraham Lincoln bicentennial
3 22 commission in the department of human rights. The commission
3 23 shall be chartered and shall operate as a nonprofit
3 24 corporation within the state of Iowa. The purpose of the
3 25 commission is to plan, coordinate, and administer activities
3 26 and programs relating to the commemoration of the bicentennial
3 27 of the birth of Abraham Lincoln in 2009.

3 28 The bill provides that the commission consist of 17 voting
3 29 members and four nonvoting legislative members appointed by
3 30 legislative leaders. The 17 voting members shall consist of
3 31 the governor or governor's designee, four public members
3 32 appointed by the governor, and twelve additional members
3 33 appointed by various state and nonprofit entities. The bill
3 34 grants authority to the commission to receive and expend funds
3 35 and grants authority to the department of human rights, in



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4 1 cooperation with the commission, to adopt rules. The bill
4 2 establishes an Abraham Lincoln bicentennial fund under the
4 3 control of the commission. The bill provides that the
4 4 commission expires no later than June 30, 2010, and all fund
4 5 balances from state appropriations shall be returned to the
4 6 general fund of the state and all other assets shall be
4 7 transferred to the Iowa historical foundation.
4 8 The bill also provides for its repeal on June 30, 2010.
4 9 LSB 1002SV 82
4 10 ec:rj/je/5



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Senate File 426 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1257)

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

A BILL FOR

- 1 An Act relating to requirements for persons seeking election to
- 2 township office.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1853SV 82
- 5 sc/es/88



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Senate File 426 - Introduced continued

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1 1 Section 1. Section 39.22, subsection 2, paragraph a, Code
1 2 2007, is amended to read as follows:
1 3 a. TOWNSHIP OFFICERS. The election of township officers
1 4 shall take place at the general election on ballots which
1 5 shall not reflect a nominee's political affiliation.
1 6 ~~Nomination shall be made by petition in accordance with~~
1 7 ~~chapter 45. The petition form shall be furnished by the~~
1 8 ~~county commissioner of elections and A person seeking election~~
1 9 ~~as township officer shall be filed file an affidavit of~~
1 10 ~~candidacy with the county commissioner of elections pursuant~~
1 11 ~~to section 45.3. A plurality is sufficient to elect the~~
1 12 township officers.
1 13 Sec. 2. Section 45.1, subsection 10, Code 2007, is amended
1 14 by striking the subsection.
1 15 Sec. 3. Section 49.41, Code 2007, is amended by adding the
1 16 following new unnumbered paragraph:
1 17 NEW UNNUMBERED PARAGRAPH. For purposes of township office,
1 18 "nomination papers" as used in this section means the
1 19 affidavit of candidacy required in section 45.3.
1 20 EXPLANATION
1 21 This bill strikes the requirement that a person seeking
1 22 election to township office must file a nomination petition
1 23 containing at least 10 signatures and requires only that the
1 24 person file an affidavit of candidacy.
1 25 LSB 1853SV 82
1 26 sc:nh/es/88



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Senate File 427 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 224)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the Iowa civil rights Act and discrimination
- 2 based upon a person's sexual orientation or gender identity.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2215SV 82
- 5 rh/cf/24



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Senate File 427 - Introduced continued

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1 1 Section 1. Section 216.2, Code 2007, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 9A. "Gender identity" means a
1 4 gender-related identity, appearance, expression, or behavior
1 5 of a person, regardless of the person's assigned sex at birth.

1 6 NEW SUBSECTION. 12A. "Sexual orientation" means actual or
1 7 perceived heterosexuality, homosexuality, or bisexuality.

1 8 Sec. 2. Section 216.5, subsections 6 and 8, Code 2007, are
1 9 amended to read as follows:

1 10 6. To issue such publications and reports of
1 11 investigations and research as in the judgment of the
1 12 commission shall tend to promote goodwill among the various
1 13 racial, religious, and ethnic groups of the state and which
1 14 shall tend to minimize or eliminate discrimination in public
1 15 accommodations, employment, apprenticeship and on-the-job
1 16 training programs, vocational schools, or housing because of
1 17 race, creed, color, sex, sexual orientation, gender identity,
1 18 national origin, religion, ancestry, or disability.

1 19 8. To make recommendations to the general assembly for
1 20 such further legislation concerning discrimination because of
1 21 race, creed, color, sex, sexual orientation, gender identity,
1 22 national origin, religion, ancestry, or disability as it may
1 23 deem necessary and desirable.

1 24 Sec. 3. Section 216.6, subsection 1, paragraphs a, b, and
1 25 c, Code 2007, are amended to read as follows:

1 26 a. Person to refuse to hire, accept, register, classify,
1 27 or refer for employment, to discharge any employee, or to
1 28 otherwise discriminate in employment against any applicant for
1 29 employment or any employee because of the age, race, creed,
1 30 color, sex, sexual orientation, gender identity, national
1 31 origin, religion, or disability of such applicant or employee,
1 32 unless based upon the nature of the occupation. If a person
1 33 with a disability is qualified to perform a particular
1 34 occupation, by reason of training or experience, the nature of
1 35 that occupation shall not be the basis for exception to the



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2 1 unfair or discriminating practices prohibited by this
2 2 subsection.

2 3 b. Labor organization or the employees, agents, or members
2 4 thereof to refuse to admit to membership any applicant, to
2 5 expel any member, or to otherwise discriminate against any
2 6 applicant for membership or any member in the privileges,
2 7 rights, or benefits of such membership because of the age,
2 8 race, creed, color, sex, sexual orientation, gender identity,
2 9 national origin, religion, or disability of such applicant or
2 10 member.

2 11 c. Employer, employment agency, labor organization, or the
2 12 employees, agents, or members thereof to directly or
2 13 indirectly advertise or in any other manner indicate or
2 14 publicize that individuals of any particular age, race, creed,
2 15 color, sex, sexual orientation, gender identity, national
2 16 origin, religion, or disability are unwelcome, objectionable,
2 17 not acceptable, or not solicited for employment or membership
2 18 unless based on the nature of the occupation. If a person
2 19 with a disability is qualified to perform a particular
2 20 occupation by reason of training or experience, the nature of
2 21 that occupation shall not be the basis for exception to the
2 22 unfair or discriminating practices prohibited by this
2 23 subsection.

2 24 An employer, employment agency, or their employees,
2 25 servants, or agents may offer employment or advertise for
2 26 employment to only persons with disabilities, when other
2 27 applicants have available to them other employment compatible
2 28 with their ability which would not be available to persons
2 29 with disabilities because of their disabilities. Any such
2 30 employment or offer of employment shall not discriminate among
2 31 persons with disabilities on the basis of race, color, creed,
2 32 sex, sexual orientation, gender identity, or national origin.

2 33 Sec. 4. Section 216.6, subsection 6, paragraph d, Code
2 34 2007, is amended to read as follows:

2 35 d. Any bona fide religious institution or its educational



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3 1 facility, association, corporation, or society with respect to
3 2 any qualifications for employment based on religion, sexual
3 3 orientation, or gender identity when such qualifications are
3 4 related to a bona fide religious purpose. A religious
3 5 qualification for instructional personnel or an administrative
3 6 officer, serving in a supervisory capacity of a bona fide
3 7 religious educational facility or religious institution, shall
3 8 be presumed to be a bona fide occupational qualification.

3 9 Sec. 5. Section 216.7, subsection 1, paragraphs a and b,
3 10 Code 2007, are amended to read as follows:

3 11 a. To refuse or deny to any person because of race, creed,
3 12 color, sex, sexual orientation, gender identity, national
3 13 origin, religion, or disability the accommodations,
3 14 advantages, facilities, services, or privileges thereof, or
3 15 otherwise to discriminate against any person because of race,
3 16 creed, color, sex, sexual orientation, gender identity,
3 17 national origin, religion, or disability in the furnishing of
3 18 such accommodations, advantages, facilities, services, or
3 19 privileges.

3 20 b. To directly or indirectly advertise or in any other
3 21 manner indicate or publicize that the patronage of persons of
3 22 any particular race, creed, color, sex, sexual orientation,
3 23 gender identity, national origin, religion, or disability is
3 24 unwelcome, objectionable, not acceptable, or not solicited.

3 25 Sec. 6. Section 216.7, subsection 2, paragraph a, Code
3 26 2007, is amended to read as follows:

3 27 a. Any bona fide religious institution with respect to any
3 28 qualifications the institution may impose based on religion,
3 29 sexual orientation, or gender identity when such

3 30 qualifications are related to a bona fide religious purpose.

3 31 Sec. 7. Section 216.8, subsections 1 through 4, Code 2007,
3 32 are amended to read as follows:

3 33 1. To refuse to sell, rent, lease, assign, sublease,
3 34 refuse to negotiate, or to otherwise make unavailable, or deny
3 35 any real property or housing accommodation or part, portion,



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4 1 or interest therein, to any person because of the race, color,
4 2 creed, sex, sexual orientation, gender identity, religion,
4 3 national origin, disability, or familial status of such
4 4 person.

4 5 2. To discriminate against any person because of the
4 6 person's race, color, creed, sex, sexual orientation, gender
4 7 identity, religion, national origin, disability, or familial
4 8 status, in the terms, conditions, or privileges of the sale,
4 9 rental, lease assignment, or sublease of any real property or
4 10 housing accommodation or any part, portion, or interest in the
4 11 real property or housing accommodation or in the provision of
4 12 services or facilities in connection with the real property or
4 13 housing accommodation.

4 14 For purposes of this section, "person" means one or more
4 15 individuals, corporations, partnerships, associations, labor
4 16 organizations, legal representatives, mutual companies, joint
4 17 stock companies, trusts, unincorporated organizations,
4 18 trustees, trustees in cases under Title 11 of the United
4 19 States Code, receivers, and fiduciaries.

4 20 3. To directly or indirectly advertise, or in any other
4 21 manner indicate or publicize that the purchase, rental, lease,
4 22 assignment, or sublease of any real property or housing
4 23 accommodation or any part, portion, or interest therein, by
4 24 persons of any particular race, color, creed, sex, sexual
4 25 orientation, gender identity, religion, national origin,
4 26 disability, or familial status is unwelcome, objectionable,
4 27 not acceptable, or not solicited.

4 28 4. To discriminate against the lessee or purchaser of any
4 29 real property or housing accommodation or part, portion, or
4 30 interest of the real property or housing accommodation, or
4 31 against any prospective lessee or purchaser of the property or
4 32 accommodation, because of the race, color, creed, religion,
4 33 sex, sexual orientation, gender identity, disability, age, or
4 34 national origin of persons who may from time to time be
4 35 present in or on the lessee's or owner's premises for lawful



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5 1 purposes at the invitation of the lessee or owner as friends,
5 2 guests, visitors, relatives, or in any similar capacity.

5 3 Sec. 8. Section 216.8A, subsections 1 and 2, Code 2007,
5 4 are amended to read as follows:

5 5 1. A person shall not induce or attempt to induce another
5 6 person to sell or rent a dwelling by representations regarding
5 7 the entry or prospective entry into a neighborhood of a person
5 8 of a particular race, color, creed, sex, sexual orientation,
5 9 gender identity, religion, national origin, disability, or
5 10 familial status.

5 11 2. A person shall not represent to a person of a
5 12 particular race, color, creed, sex, sexual orientation, gender
5 13 identity, religion, national origin, disability, or familial
5 14 status that a dwelling is not available for inspection, sale,
5 15 or rental when the dwelling is available for inspection, sale,
5 16 or rental.

5 17 Sec. 9. Section 216.8A, subsection 4, paragraph a, Code
5 18 2007, is amended to read as follows:

5 19 a. A person whose business includes engaging in
5 20 residential real estate related transactions shall not
5 21 discriminate against a person in making a residential real
5 22 estate related transaction available or in terms or conditions
5 23 of a residential real estate related transaction because of
5 24 race, color, creed, sex, sexual orientation, gender identity,
5 25 religion, national origin, disability, or familial status.

5 26 Sec. 10. Section 216.8A, subsection 5, Code 2007, is
5 27 amended to read as follows:

5 28 5. A person shall not deny another person access to, or
5 29 membership or participation in, a multiple-listing service,
5 30 real estate brokers' organization or other service,
5 31 organization, or facility relating to the business of selling
5 32 or renting dwellings, or discriminate against a person in
5 33 terms or conditions of access, membership, or participation in
5 34 such organization because of race, color, creed, sex, sexual
5 35 orientation, gender identity, religion, national origin,



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6 1 disability, or familial status.

6 2 Sec. 11. Section 216.9, unnumbered paragraph 1, Code 2007,
6 3 is amended to read as follows:

6 4 It is an unfair or discriminatory practice for any
6 5 educational institution to discriminate on the basis of race,
6 6 creed, color, sex, sexual orientation, gender identity,
6 7 national origin, religion, or disability in any program or
6 8 activity. Such discriminatory practices shall include but not
6 9 be limited to the following practices:

6 10 Sec. 12. Section 216.9, unnumbered paragraph 2, Code 2007,
6 11 is amended to read as follows:

6 12 For the purpose of this section, "educational institution"
6 13 includes any preschool, elementary, secondary, or community
6 14 college, area education agency, or postsecondary college or
6 15 university and their governing boards. This section does not
6 16 prohibit an educational institution from maintaining separate
6 17 toilet facilities, locker rooms, or living facilities for the
6 18 different sexes so long as comparable facilities are provided.
6 19 Nothing in this section shall be construed as prohibiting any
6 20 bona fide religious institution from imposing qualifications
6 21 based on religion, sexual orientation, or gender identity when
6 22 such qualifications are related to a bona fide religious
6 23 purpose or any institution from admitting students of only one
6 24 sex.

6 25 Sec. 13. Section 216.10, Code 2007, is amended to read as
6 26 follows:

6 27 216.10 UNFAIR CREDIT PRACTICES.

6 28 It shall be an unfair or discriminatory practice for any:

6 29 1. Creditor to refuse to enter into a consumer credit
6 30 transaction or impose finance charges or other terms or
6 31 conditions more onerous than those regularly extended by that
6 32 creditor to consumers of similar economic backgrounds because
6 33 of age, color, creed, national origin, race, religion, marital
6 34 status, sex, sexual orientation, gender identity, physical
6 35 disability, or familial status.



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7 1 2. Person authorized or licensed to do business in this
7 2 state pursuant to chapter 524, 533, 534, 536, or 536A to
7 3 refuse to loan or extend credit or to impose terms or
7 4 conditions more onerous than those regularly extended to
7 5 persons of similar economic backgrounds because of age, color,
7 6 creed, national origin, race, religion, marital status, sex,
7 7 sexual orientation, gender identity, physical disability, or
7 8 familial status.

7 9 3. Creditor to refuse to offer credit life or health and
7 10 accident insurance because of color, creed, national origin,
7 11 race, religion, marital status, age, physical disability, sex,
7 12 sexual orientation, gender identity, or familial status.
7 13 Refusal by a creditor to offer credit life or health and
7 14 accident insurance based upon the age or physical disability
7 15 of the consumer shall not be an unfair or discriminatory
7 16 practice if such denial is based solely upon bona fide
7 17 underwriting considerations not prohibited by title XIII,
7 18 subtitle 1.

7 19 The provisions of this section shall not be construed by
7 20 negative implication or otherwise to narrow or restrict any
7 21 other provisions of this chapter.

7 22 Sec. 14. Section 216.12, subsection 1, Code 2007, is
7 23 amended to read as follows:

7 24 1. Any bona fide religious institution with respect to any
7 25 qualifications it may impose based on religion, sexual
7 26 orientation, or gender identity, when the qualifications are
7 27 related to a bona fide religious purpose unless the religious
7 28 institution owns or operates property for a commercial purpose
7 29 or membership in the religion is restricted on account of
7 30 race, color, or national origin.

7 31 Sec. 15. Section 216.12A, Code 2007, is amended to read as
7 32 follows:

7 33 216.12A ADDITIONAL HOUSING EXCEPTION.

7 34 Sections 216.8 and 216.8A do not prohibit a person engaged
7 35 in the business of furnishing appraisals of real estate from



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8 1 taking into consideration factors other than race, color,
8 2 creed, sex, sexual orientation, gender identity, religion,
8 3 national origin, disability, or familial status in appraising
8 4 real estate.

8 5 EXPLANATION

8 6 This bill defines "sexual orientation" and "gender
8 7 identity" and prohibits discriminatory employment, public
8 8 accommodation, housing, education, and credit practices based
8 9 upon a person's sexual orientation or gender identity.
8 10 However, the bill does allow for the imposition of
8 11 qualifications by bona fide religious institutions based upon
8 12 sexual orientation or gender identity if related to a bona
8 13 fide religious purpose.

8 14 LSB 2215SV 82

8 15 rh:rj/cf/24



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Senate File 428 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 312)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for state and local planning for the rescue of
- 2 support animals in times of public disorder or disaster.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1560SV 82
- 5 da/je/5



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Senate File 428 - Introduced continued

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1 1 Section 1. NEW SECTION. 29D.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Disaster" means the same as defined in section 29C.2.
1 5 2. "Division" means the homeland security and emergency
1 6 management division created within the department of public
1 7 defense as provided in section 29C.5.
1 8 3. "Local emergency management agency" means the same as
1 9 defined in section 29C.2.
1 10 4. "Local support animal rescue plan" or "local plan"
1 11 means the plan required to be formulated by the division as
1 12 provided in section 29D.4.
1 13 5. "Public disorder" means the same as defined in section
1 14 29C.2.
1 15 6. "State agency" means the same as defined in section
1 16 8A.101.
1 17 7. "State support animal rescue plan" or "state plan"
1 18 means the plan required to be formulated by the division as
1 19 provided in section 29D.3.
1 20 8. "Support animal" means any of the following:
1 21 a. An assistive animal as defined in section 216C.11.
1 22 b. A pet as defined in section 717E.1.
1 23 c. A service dog as defined in section 216C.11.
1 24 d. A police service dog which is used by law enforcement
1 25 authorities in keeping order, providing for search and rescue,
1 26 or the prevention and detection of crime.
1 27 Sec. 2. NEW SECTION. 29D.2 PLANNING COOPERATION AND
1 28 CONSULTATION.
1 29 The division and local emergency planning agencies shall
1 30 cooperate to carry out their duties as provided in this
1 31 chapter. The division and local emergency planning agencies
1 32 shall consult with experts in the fields of animal sheltering,
1 33 veterinary medicine, public health and safety, and other
1 34 professional and technical personnel deemed appropriate.
1 35 Sec. 3. NEW SECTION. 29D.3 HOMELAND SECURITY AND



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2 1 EMERGENCY MANAGEMENT DIVISION == STATE SUPPORT ANIMAL RESCUE
2 2 PLAN.
2 3 The division shall formulate a state support animal rescue
2 4 plan which includes emergency operation plans for the humane
2 5 evacuation, transport, and temporary sheltering of support
2 6 animals in times of public disorder or disaster. The state
2 7 plan shall do all of the following:
2 8 1. Require that persons with disabilities who utilize
2 9 assistive animals or service dogs are evacuated, transported,
2 10 and sheltered with those assistive animals or service dogs.
2 11 2. Identify or establish a sufficient number of support
2 12 animal evacuation shelters that are in close proximity to a
2 13 human sheltering facility designed and equipped to accept and
2 14 temporarily house pets or police service dogs. The division
2 15 shall develop guidelines for support animal evacuation
2 16 shelters which may include standards or criteria for admission
2 17 to such shelters, health and safety standards, protocols, and
2 18 procedures for ensuring adequate sheltering, management, and
2 19 veterinary staffing for support animal evacuation shelters.
2 20 3. Enable, wherever possible, joint pet-owner evacuation
2 21 for disabled, elderly, and persons having special needs, and
2 22 all other persons whenever such evacuations can be
2 23 accomplished without endangering human life.
2 24 4. Establish an identification system to ensure that pet
2 25 owners who are separated from their pets during an evacuation
2 26 are provided with all information necessary to locate and
2 27 reclaim their pets. In establishing the identification
2 28 system, the division shall provide for a tracking number
2 29 system.
2 30 5. Provide for the safe and secure confinement of pets in
2 31 cages or carriers that are specifically designed for the
2 32 containment and transport of pets, including by public
2 33 transportation during an impending disaster or public
2 34 disorder, when doing so does not endanger human life. If pets
2 35 are not allowed to use public transportation, the division



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3 1 shall provide for separate transportation for a pet to a
3 2 support animal evacuation shelter in closest proximity to the
3 3 human sheltering facility in which the pet's owner or
3 4 custodian is temporarily housed when that location is known.
3 5 If the location of the owner or custodian is not known, the
3 6 division shall provide transportation to the nearest support
3 7 animal evacuation shelter.

3 8 6. Direct animal shelters, humane societies, veterinary
3 9 offices, boarding kennels, breeders, grooming facilities,
3 10 animal hospitals, schools, animal testing facilities, and any
3 11 other businesses or not-for-profit agencies that normally
3 12 house support animals to create evacuation plans for support
3 13 animals consistent with the provisions of this section. The
3 14 plans shall be made available to the public upon request and
3 15 shall be filed annually with the division and with the
3 16 appropriate local emergency management agency.

3 17 7. Provide for a public information program to provide
3 18 guidance to owners and custodians of support animals to
3 19 formulate evacuation plans for their support animals, inform
3 20 owners or custodians of resources available to assist them
3 21 during an evacuation, and apprise such owners or custodians of
3 22 the location and other relevant guidelines for support animal
3 23 evacuation shelters in their area.

3 24 Sec. 4. NEW SECTION. 29D.4 LOCAL EMERGENCY MANAGEMENT
3 25 AGENCY == LOCAL SUPPORT ANIMAL RESCUE PLAN.

3 26 A local emergency management agency shall formulate a local
3 27 support animal rescue plan which includes emergency operation
3 28 plans for the humane evacuation, transport, and temporary
3 29 sheltering of support animals in times of public disorder or
3 30 disaster in a manner that complements the state support animal
3 31 rescue plan, as required by the division.

3 32 Sec. 5. NEW SECTION. 29D.5 ASSIGNMENT OR DELEGATION.

3 33 1. The division may act directly or through an authorized
3 34 assignment to another state agency in order to carry out its
3 35 duties as provided in this chapter.



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4 1 2. A local emergency management agency may delegate its
4 2 powers and duties provided in this chapter to another person
4 3 who shall act as a local authority responsible for carrying
4 4 out this chapter in the local area. The person delegated
4 5 authority under this section must have expertise in the areas
4 6 of animal control, animal sheltering, or animal care. The
4 7 local emergency management agency shall notify the division of
4 8 the delegation as required by the division.

4 9 Sec. 6. NEW SECTION. 29D.6 LIMITATION OF LIABILITY.

4 10 A person holding a legal interest in real estate including
4 11 fixtures, and who voluntarily and without compensation allows
4 12 the division or a local emergency management agency to use the
4 13 real estate for purposes of sheltering support animals during
4 14 an actual, impending, or practice public disorder or disaster,
4 15 shall not be liable for the death of, or injury to, any person
4 16 or support animal which occurs on the real estate unless the
4 17 death or injury is the proximate cause of an intentional act
4 18 or gross negligence of the person holding a legal interest in
4 19 the real estate.

4 20 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 21 3, shall not apply to this Act.

4 22 EXPLANATION

4 23 This bill relates to support animals which are animals
4 24 other than livestock (assistive animals, pets, service dogs,
4 25 police service dogs). The bill requires that the homeland
4 26 security and emergency management division within the
4 27 department of public defense and local emergency management
4 28 agencies cooperate in order to formulate state and local plans
4 29 for the humane evacuation, transport, and temporary sheltering
4 30 of support animals in times of public disorder or disaster.
4 31 The plan must provide for the rescue of support animals with
4 32 their owners or custodians when possible, sheltering support
4 33 animals, and reuniting support animals with their owners or
4 34 custodians. The plans must provide for the safe and secure
4 35 confinement of pets in cages or carriers that are specifically



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5 1 designed for the containment and transport of pets, including
5 2 by public transportation during an impending disaster or
5 3 public disorder, when doing so does not endanger human life.
5 4 The planning must provide for the involvement of businesses
5 5 involved in keeping and caring for animals. The bill also
5 6 provides for the dissemination of information to the public
5 7 regarding available resources.

5 8 The bill provides that the division may act directly or
5 9 through an authorized assignment to another state agency. The
5 10 bill provides that a local emergency management agency may
5 11 delegate its powers and duties provided in this Code chapter
5 12 to another person who shall act as a local authority
5 13 responsible for carrying out its functions in the local area.

5 14 The bill also provides that a person who holds an interest
5 15 in real estate who voluntarily and without compensation allows
5 16 the division or local agency to use the real estate for
5 17 purposes of sheltering support animals during an actual,
5 18 impending, or practice public disorder or disaster is not
5 19 liable for accidents which occur on the real estate so long as
5 20 the accident was not the result of an intentional act or of
5 21 gross negligence.

5 22 The bill may include a state mandate as defined in Code
5 23 section 25B.3. The bill makes inapplicable Code section
5 24 25B.2, subsection 3, which would relieve a political
5 25 subdivision from complying with a state mandate if funding for
5 26 the cost of the state mandate is not provided or specified.
5 27 Therefore, political subdivisions are required to comply with
5 28 any state mandate included in the bill.

5 29 LSB 1560SV 82

5 30 da:rj/je/5



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SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1282)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to conciliation proceedings in a dissolution of
- 2 marriage case and domestic abuse.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2651SV 82
- 5 rh/es/88



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1 1 Section 1. Section 598.16, Code 2007, is amended to read
1 2 as follows:
1 3 598.16 CONCILIATION == DOMESTIC RELATIONS DIVISIONS.
1 4 1. A majority of the judges in any judicial district, with
1 5 the cooperation of any county board of supervisors in the
1 6 district, may establish a domestic relations division of the
1 7 district court of the county where the board is located. The
1 8 division shall offer counseling and related services to
1 9 persons before the court.
1 10 2. ~~Upon~~ Except as provided in subsection 7, upon the
1 11 application of the petitioner in the petition or by the
1 12 respondent in the responsive pleading thereto or, within
1 13 twenty days of appointment, of an attorney appointed under
1 14 section 598.12, the court shall require the parties to
1 15 participate in conciliation efforts for a period of sixty days
1 16 from the issuance of an order setting forth the conciliation
1 17 procedure and the conciliator.
1 18 3. At any time upon its own motion or upon the application
1 19 of a party the court may require the parties to participate in
1 20 conciliation efforts for sixty days or less following the
1 21 issuance of such an order.
1 22 4. Every order for conciliation shall require the
1 23 conciliator to file a written report by a date certain which
1 24 shall state the conciliation procedures undertaken and such
1 25 other matters as may have been required by the court. The
1 26 report shall be a part of the record unless otherwise ordered
1 27 by the court. Such conciliation procedure may include, but is
1 28 not limited to, referrals to the domestic relations division
1 29 of the court, if established, public or private marriage
1 30 counselors, family service agencies, community health centers,
1 31 physicians and clergy.
1 32 5. The costs of conciliation procedures shall be paid in
1 33 full or in part by the parties and taxed as court costs;
1 34 however, if the court determines that the parties will be
1 35 unable to pay the costs without prejudicing their financial



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2 1 ability to provide themselves and any minor children with
2 2 economic necessities, the costs may be paid in full or in part
2 3 by the county.

2 4 6. Persons providing counseling and other services
2 5 pursuant to this section are not court employees, but are
2 6 subject to court supervision.

2 7 7. Upon application, the court shall grant a waiver from
2 8 the requirements of this section if a party demonstrates that
2 9 a history of domestic abuse, as defined in section 236.2,
2 10 exists. In determining whether a history of domestic abuse
2 11 exists, the court's consideration shall include, but is not
2 12 limited to, commencement of an action pursuant to section
2 13 236.3, the issuance of a protective order against a party or
2 14 the issuance of a court order or consent agreement pursuant to
2 15 section 236.5, the issuance of an emergency order pursuant to
2 16 section 236.6, the holding of a party in contempt pursuant to
2 17 section 664A.7, the response of a peace officer to the scene
2 18 of alleged domestic abuse or the arrest of a party following
2 19 response to a report of alleged domestic abuse, or a
2 20 conviction for domestic abuse assault pursuant to section
2 21 708.2A.

2 22

EXPLANATION

2 23 This bill relates to conciliation proceedings in a
2 24 dissolution of marriage case and domestic abuse.

2 25 Current law provides that a judge may require parties
2 26 involved in a dissolution of marriage proceeding under Code
2 27 chapter 598 to participate in conciliation efforts for a
2 28 60-day period. The bill allows a court in such a case to
2 29 grant a waiver to a party who demonstrates that a history of
2 30 domestic abuse, as defined in Code section 236.2, exists. In
2 31 determining whether a history of domestic abuse exists, the
2 32 court's consideration shall include but is not limited to
2 33 commencement of an action pursuant to Code section 236.3, the
2 34 issuance of a protective order against a party or the issuance
2 35 of a court order or consent agreement pursuant to Code section



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3 1 236.5, the issuance of an emergency order pursuant to Code
3 2 section 236.6, the holding of a party in contempt pursuant to
3 3 Code section 664A.7, the response of a peace officer to the
3 4 scene of alleged domestic abuse or the arrest of a party
3 5 following response to a report of alleged domestic abuse, or a
3 6 conviction for domestic abuse assault pursuant to Code section
3 7 708.2A. This provision is consistent with language in Code
3 8 section 598.41, allowing a court to consider whether a history
3 9 of domestic abuse exists in determining a custody arrangement
3 10 for a minor child whose parents have separated or divorced.
3 11 LSB 2651SV 82
3 12 rh:rj/es/88



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Senate File 430 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1189)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to a civil judgment, decree, or order of a court
- 2 of a federally recognized Indian tribe and including an
- 3 applicability provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2001SV 82
- 6 rh/gg/14



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1 1 Section 1. Section 626A.1, Code 2007, is amended to read
1 2 as follows:
1 3 626A.1 DEFINITION.
1 4 As used in this chapter unless the context otherwise
1 5 requires, "foreign judgment" means a judgment, decree, or
1 6 order of a court of the United States, a court of a federally
1 7 recognized Indian tribe provided the cause of action accrued
1 8 on or after the effective date of this Act, or of any other
1 9 court which is entitled to full faith and credit in this
1 10 state.

1 11 Sec. 2. APPLICABILITY. This Act applies to judgments,
1 12 decrees, and orders of a federally recognized Indian tribe
1 13 relating to causes of action accruing on or after the
1 14 effective date of this Act. This Act shall not be construed
1 15 to diminish or increase any right under statutory or common
1 16 law to seek or obtain the enforcement of judgments, decrees,
1 17 and orders of a federally recognized Indian tribe relating to
1 18 causes of action accruing before the effective date of this
1 19 Act.

1 20 EXPLANATION

1 21 This bill relates to a civil judgment, decree, or order of
1 22 a court of a federally recognized Indian tribe.

1 23 The bill provides that a civil judgment, decree, or order
1 24 issued by a federally recognized Indian tribe that is based
1 25 upon a cause of action that accrued on or after the effective
1 26 date of the bill, may be recognized and enforced in the same
1 27 manner as a judgment, decree, or order of a district court of
1 28 this state, subject to the requirements of Code Chapter 626A,
1 29 Iowa's uniform enforcement of foreign judgments Act.

1 30 The bill applies to judgments, decrees, and orders of a
1 31 federally recognized Indian tribe relating to causes of action
1 32 accruing on or after the effective date of the bill. The bill
1 33 shall not be construed to diminish or increase any right under
1 34 statutory or common law to seek or obtain the enforcement of
1 35 judgments, decrees, and orders of a federally recognized



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2 1 Indian tribe relating to causes of action accruing before the
2 2 effective date of the bill.
2 3 LSB 2001SV 82
2 4 rh:rj/gg/14



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Senate File 431 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 1253)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to programs, funds, authority, and duties of the
- 2 Iowa finance authority.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1303SV 82
- 5 tm/je/5



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1 1 Section 1. Section 8A.201, subsection 4, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. h. The Iowa finance authority, including
1 4 the title guaranty division.
1 5 Sec. 2. Section 16.1, subsections 3 and 5, Code 2007, are
1 6 amended to read as follows:
1 7 3. "Bond" means a bond issued by the authority pursuant to
1 8 sections 16.26 to 16.30, and includes a note or other
1 9 instrument evidencing a debt authorized or referred to in this
1 10 chapter.

1 11 5. "Cost" as applied to ~~Iowa small business~~ economic
1 12 development loan program projects means the cost of
1 13 acquisition, construction, or both including the cost of
1 14 acquisition of all land, rights-of-way, property rights,
1 15 easements, franchise rights, and interests required for
1 16 acquisition, construction, or both. It also means the cost of
1 17 demolishing or removing structures on acquired land, the cost
1 18 of access roads to private property, including the cost of
1 19 land or easements, and the cost of all machinery, furnishings,
1 20 and equipment, financing charges, and interest prior to and
1 21 during construction and for no more than the greater of
1 22 eighteen months or the period authorized to be capitalized
1 23 under applicable provisions of the Internal Revenue Code after
1 24 completion of construction. Cost also means the cost of
1 25 engineering, legal expenses, plans, specifications, surveys,
1 26 estimates of cost and revenues, as well as other expenses
1 27 incidental to determining the feasibility or practicability of
1 28 acquiring or constructing a project. It also means other
1 29 expenses incidental to the acquisition or construction of the
1 30 project, the financing of the acquisition or construction,
1 31 including the amount ~~authorized in the resolution of the~~
~~1 32 authority providing for the issuance of bonds, to be paid into~~
~~1 33 any special funds from the proceeds of the bonds, and the~~
~~1 34 financing of the placing of a project in operation to be paid~~
1 35 into any special funds from the proceeds of bonds issued for



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2 1 the project, and the financing of the placing of a project in
2 2 operation. It also means all grants, payments, and amounts
2 3 necessary to pay or refund outstanding bonds and all costs for
2 4 which federally tax-exempt bonds may be issued under the
2 5 Internal Revenue Code.

2 6 Sec. 3. Section 16.1, subsections 11 and 12, Code 2007,
2 7 are amended by striking the subsections.

2 8 Sec. 4. Section 16.1, Code 2007, is amended by adding the
2 9 following new subsections:

2 10 NEW SUBSECTION. 14. "Goals" means legislative goals and
2 11 policies as articulated in this chapter.

2 12 NEW SUBSECTION. 14A. "Guiding principles" means the
2 13 principles provided in section 16.4 which shall be considered
2 14 for amplification and interpretation of the goals of the
2 15 authority.

2 16 Sec. 5. Section 16.1, subsections 20 and 21, Code 2007,
2 17 are amended by striking the subsections and inserting in lieu
2 18 thereof the following:

2 19 20. "Internal Revenue Code" means the Internal Revenue
2 20 Code of the United States as it may exist at the time of its
2 21 applicability to the provisions of this chapter.

2 22 21. "Legislative findings" or "findings" means the
2 23 findings established by the general assembly with respect to
2 24 the authority as provided in this chapter.

2 25 Sec. 6. Section 16.1, subsection 29, Code 2007, is amended
2 26 to read as follows:

2 27 29. "Note" means a bond anticipation note or a housing
2 28 development fund note issued by the authority pursuant to this
2 29 chapter. "Note" also includes bonds.

2 30 Sec. 7. Section 16.1, Code 2007, is amended by adding the
2 31 following new subsections:

2 32 NEW SUBSECTION. 29B. "Powers" means all of the general
2 33 and specific powers of the authority as provided in this
2 34 chapter and shall be broadly and liberally interpreted to
2 35 authorize the authority to act in accordance with the goals of



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3 1 the authority and in a manner consistent with the legislative
3 2 findings and guiding principles which are reasonably
3 3 necessary.
3 4 NEW SUBSECTION. 29C. "Programs" means any program
3 5 administered by the authority or any program in which the
3 6 authority is directed or authorized to participate pursuant to
3 7 any statute, executive order, or interagency agreement, or any
3 8 other program participation or administration of which the
3 9 authority finds useful and convenient to further the goals and
3 10 purposes of the authority. "Program" shall include but not be
3 11 limited to all of the following:
3 12 a. The housing assistance payments program.
3 13 b. The rent supplements program.
3 14 c. The emergency housing fund program.
3 15 d. The special housing assistance program.
3 16 e. The single-family housing program.
3 17 f. The multifamily housing program.
3 18 g. The title guaranty program.
3 19 h. The housing improvement fund program.
3 20 i. The economic development loan program.
3 21 j. The Iowa economic development bond bank program.
3 22 k. The sewage treatment and drinking facilities financing
3 23 program.
3 24 l. The Iowa tank assistance bond program.
3 25 m. The residential treatment facilities program.
3 26 n. The E=911 program.
3 27 o. The community college dormitory program.
3 28 p. The prison infrastructure program.
3 29 q. The wastewater treatment financial assistance program.
3 30 r. Any other program established by the authority which
3 31 the authority finds useful and convenient to further goals of
3 32 the authority and which is consistent with the legislative
3 33 findings. Such additional programs shall be administered in
3 34 accordance with the guiding principles of the authority after
3 35 such notice and hearing as is determined to be reasonable by



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4 1 the authority under the circumstances. Such additional
4 2 programs shall be administered in accordance with rules, if
4 3 any, which the authority determines useful and convenient to
4 4 adopt pursuant to chapter 17A.
4 5 Sec. 8. Section 16.1, subsection 30, Code 2007, is amended
4 6 by striking the subsection and inserting in lieu thereof the
4 7 following:
4 8 30. "Project" means any of the following:
4 9 a. Real or personal property connected with a facility to
4 10 be acquired, constructed, financed, refinanced, improved, or
4 11 equipped pursuant to one or more of the programs.
4 12 b. Refunds, loans, refinancings, grants, or other
4 13 assistance or programs which the authority finds useful and
4 14 convenient to carry out and further the goals of the authority
4 15 and the Iowa economic development bond program. In
4 16 furtherance thereof and not in limitation, "project" shall
4 17 include projects for which bonds or notes may be issued by a
4 18 city or a county pursuant to any power so long as the
4 19 authority finds it is consistent with the goals and
4 20 legislative findings of the authority and the Iowa economic
4 21 development bond program.
4 22 c. Any project for which tax exempt financing is
4 23 authorized by the Internal Revenue Code which the authority
4 24 finds furthers the goals of the authority and is consistent
4 25 with the legislative findings.
4 26 Sec. 9. Section 16.1, subsections 33, 34, 35, and 36, Code
4 27 2007, are amended by striking the subsections.
4 28 Sec. 10. Section 16.1, unnumbered paragraph 2, Code 2007,
4 29 is amended to read as follows:
4 30 The authority ~~shall~~ may establish by rule further
4 31 definitions applicable to this chapter, and clarification of
4 32 the definitions in this section, as it deems convenient and
4 33 necessary including any rules necessary to assure eligibility
4 34 for funds available under federal housing laws, or to assure
4 35 compliance with federal tax laws relating to the issuance of



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5 1 tax exempt ~~mortgage subsidy~~ bonds pursuant to the Internal
5 2 Revenue Code } ~~103A, or relating to the issuance of tax exempt~~
~~5 3 residential rental property bonds for qualified residential~~
~~5 4 housing under Internal Revenue Code } 103, or relating to the~~
5 5 allowance of low income credits under Internal Revenue Code }
5 6 42.

5 7 Sec. 11. Section 16.2, subsection 1, Code 2007, is amended
5 8 to read as follows:

5 9 1. The Iowa finance authority is established, and
5 10 constituted a public instrumentality and agency of the state
5 11 exercising public and essential governmental functions, to
5 12 undertake programs which assist in attainment of adequate
5 13 housing for low or moderate income families, elderly families,
5 14 and families which include one or more persons with
5 15 disabilities, and to undertake the ~~Iowa homesteading program,~~
~~5 16 the small business loan program, the export business finance~~
~~5 17 program, and other various~~ finance programs. The powers of
5 18 the authority are vested in and shall be exercised by a board
5 19 of nine members appointed by the governor subject to
5 20 confirmation by the senate. No more than five members shall
5 21 belong to the same political party. As far as possible the
5 22 governor shall include within the membership persons who
5 23 represent community and housing development industries,
5 24 housing finance industries, the real estate sales industry,
5 25 elderly families, minorities, lower income families, very low
5 26 income families, families which include persons with
5 27 disabilities, average taxpayers, local government, business
5 28 ~~and international trade~~ interests, and any other person
5 29 specially interested in community housing, finance, or small
5 30 business, ~~or export business~~ development.

5 31 ~~A title guaranty division is created within the authority.~~
~~5 32 The powers of the division relating to the issuance of title~~
~~5 33 guaranties are vested in and shall be exercised by a division~~
~~5 34 board of five members appointed by the governor subject to~~
~~5 35 confirmation by the senate. The membership of the board shall~~



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~~6 1 include an attorney, an abstractor, a real estate broker, a
6 2 representative of a mortgage=lender, and a representative of
6 3 the housing development industry. The executive director of
6 4 the authority shall appoint an attorney as director of the
6 5 title guaranty division who shall serve as an ex officio
6 6 member of the board. The appointment of and compensation for
6 7 the division director are exempt from the merit system
6 8 provisions of chapter 8A, subchapter IV.~~

~~6 9 a. Members of the board of the division shall be appointed
6 10 by the governor for staggered terms of six years beginning and
6 11 ending as provided in section 69.19. A person shall not serve
6 12 on the division board while serving on the authority board. A
6 13 person appointed to fill a vacancy shall serve only for the
6 14 unexpired portion of the term. A member is eligible for
6 15 reappointment. A member of the division board may be removed
6 16 from office by the governor for misfeasance, malfeasance or
6 17 willful neglect of duty or for other just cause, after notice
6 18 and hearing, unless notice and hearing is expressly waived in
6 19 writing.~~

~~6 20 b. Three members of the board shall constitute a quorum.
6 21 An affirmative vote of a majority of the appointed members is
6 22 necessary for any substantive action taken by the division.~~

~~6 23 e. Members of the board are entitled to receive a per diem
6 24 as specified in section 7E.6 for each day spent in performance
6 25 of duties as members and shall be reimbursed for all actual
6 26 and necessary expenses incurred in the performance of duties
6 27 as members.~~

~~6 28 d. Members of the board and the director shall give bond
6 29 as required for public officers in chapter 64.~~

~~6 30 e. Meetings of the board shall be held at the call of the
6 31 chair of the board or on written request of two members.~~

~~6 32 f. Members shall elect a chair and vice chair annually and
6 33 other officers as they determine. The director shall serve as
6 34 secretary to the board.~~

~~6 35 g. The net earnings of the division, beyond that necessary~~



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~~7 1 for reserves, backing, guaranties issued or to otherwise
7 2 implement the public purposes and programs authorized, shall
7 3 not inure to the benefit of any person other than the state
7 4 and are subject to subsection 8.~~

7 5 Sec. 12. NEW SECTION. 16.2A TITLE GUARANTY DIVISION.

7 6 1. A title guaranty division is created within the
7 7 authority. The powers of the division relating to the
7 8 issuance of title guaranties are vested in and shall be
7 9 exercised by a division board of five members appointed by the
7 10 governor subject to confirmation by the senate. The
7 11 membership of the board shall include an attorney, an
7 12 abstractor, a real estate broker, a representative of a
7 13 mortgage lender, and a representative of the housing
7 14 development industry. The executive director of the authority
7 15 shall appoint an attorney as director of the title guaranty
7 16 division, who shall serve as an ex officio member of the
7 17 board. The appointment of and compensation for the division
7 18 director are exempt from the merit system provisions of
7 19 chapter 8A, subchapter IV.

7 20 2. Members of the board of the division shall be appointed
7 21 by the governor for staggered terms of six years beginning and
7 22 ending as provided in section 69.19. A person shall not serve
7 23 on the division board while serving on the authority board. A
7 24 person appointed to fill a vacancy shall serve only for the
7 25 unexpired portion of the term. A member is eligible for
7 26 reappointment. A member of the division board may be removed
7 27 from office by the governor for misfeasance, malfeasance, or
7 28 willful neglect of duty or for other just cause, after notice
7 29 and hearing, unless notice and hearing is expressly waived in
7 30 writing.

7 31 3. Three members of the board shall constitute a quorum.
7 32 An affirmative vote of a majority of the appointed members is
7 33 necessary for any substantive action taken by the division.

7 34 4. Members of the board are entitled to receive a per diem
7 35 as specified in section 7E.6 for each day spent in performance



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8 1 of duties as members and shall be reimbursed for all actual
8 2 and necessary expenses incurred in the performance of duties
8 3 as members.

8 4 5. Members of the board and the director shall give bond
8 5 as required for public officers in chapter 64.

8 6 6. Meetings of the board shall be held at the call of the
8 7 chair of the board or on written request of two members.

8 8 7. Members shall elect a chair and vice chair annually and
8 9 other officers as they determine. The director shall serve as
8 10 secretary to the board.

8 11 8. The net earnings of the division, beyond that necessary
8 12 for reserves, backing, guaranties issued, or to otherwise
8 13 implement the public purposes and programs authorized, shall
8 14 not inure to the benefit of any person other than the state
8 15 and are subject to section 16.2, subsection 8.

8 16 Sec. 13. Section 16.3, Code 2007, is amended by adding the
8 17 following new subsections:

8 18 NEW SUBSECTION. 16. Economic development and expansion of
8 19 business, industry, and farming in the state is dependent upon
8 20 the availability of financing of the development and expansion
8 21 at affordable interest rates.

8 22 NEW SUBSECTION. 17. The pooling of private financing
8 23 enhances the marketability of the obligations involved and
8 24 increases access to other state, regional, and national credit
8 25 markets.

8 26 NEW SUBSECTION. 18. The creation of an Iowa economic
8 27 development bond bank program as provided in section 16.102
8 28 will make the pooling of private financing available to small
8 29 businesses, farmers, agricultural landowners and operators,
8 30 and commercial, industrial, and other business enterprises at
8 31 favorable interest rates with reduced marketing costs.

8 32 NEW SUBSECTION. 19. All of the purposes stated in this
8 33 section are public purposes and uses for which public moneys
8 34 may be borrowed, expended, advanced, loaned, or granted.

8 35 Sec. 14. NEW SECTION. 16.3A CONFLICTS OF INTEREST.

9 1 1. If a member or employee of the authority other than the
9 2 executive director of the authority has an interest, either
9 3 direct or indirect, in a contract to which the authority is,
9 4 or is to be, a party, or in a mortgage lender requesting a
9 5 loan from, or offering to sell mortgage loans to, the
9 6 authority, the interest shall be disclosed to the authority in
9 7 writing and shall be set forth in the minutes of the
9 8 authority. The member or employee having the interest shall
9 9 not participate in any action of the authority with respect to
9 10 that contract or mortgage lender.

9 11 A violation of a provision of this subsection is misconduct
9 12 in office under section 721.2. However, a resolution of the
9 13 authority is not invalid because of a vote cast by a member in
9 14 violation of this subsection unless the vote was decisive in
9 15 the passage of the resolution.

9 16 For the purposes of this subsection, "action of the
9 17 authority with respect to that contract or mortgage lender"
9 18 means only an action directly affecting a separate contract or
9 19 mortgage lender, and does not include an action which benefits
9 20 the general public or which affects all or a substantial
9 21 portion of the contracts or mortgage lenders included in a



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9 22 program of the authority.

9 23 2. Nothing in this section shall be deemed to limit the
9 24 right of a member, officer, or employee of the authority to
9 25 acquire an interest in bonds or notes of the authority or to
9 26 limit the right of a member or employee other than the
9 27 executive director to have an interest in a bank or other
9 28 financial institution in which the funds of the authority are,
9 29 or are to be, deposited or which is, or is to be, acting as
9 30 trustee or paying agent under a trust indenture to which the
9 31 authority is a party.

9 32 3. The executive director shall not have an interest in a
9 33 bank or other financial institution in which the funds of the
9 34 authority are, or are to be, deposited or which is, or is to
9 35 be, acting as trustee or paying agent under a trust indenture



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10 1 to which the authority is a party. The executive director
10 2 shall not receive, in addition to fixed salary or
10 3 compensation, any money or valuable thing, either directly or
10 4 indirectly, or through any substantial interest in any other
10 5 corporation or business unit, for negotiating, procuring,
10 6 recommending, or aiding in any purchase or sale of property,
10 7 or loan, made by the authority, nor shall the executive
10 8 director be pecuniarily interested, either as principal,
10 9 coprincipal, agent, or beneficiary, either directly or
10 10 indirectly, or through any substantial interest in any other
10 11 corporation or business unit, in any such purchase, sale, or
10 12 loan.

10 13 Sec. 15. Section 16.4, unnumbered paragraph 1, Code 2007,
10 14 is amended to read as follows:

10 15 In the performance of its duties and implementation of its
10 16 powers, and in the selection of specific programs and projects
10 17 to receive its assistance, the authority shall be guided by
10 18 the following precatory principles:

10 19 Sec. 16. Section 16.4, subsections 1, 2, 3, and 5, Code
10 20 2007, are amended to read as follows:

10 21 1. The authority shall not become an owner of real
10 22 property constituting a project under any program, except on a
10 23 temporary basis where necessary in order to implement its
10 24 programs, protect its investments by means of foreclosure or
10 25 other means, or to facilitate transfer of real property for
10 26 the use of low or moderate income families.

10 27 2. The authority shall strive to function in cooperation
10 28 with local governmental units and local or regional housing
10 29 agencies, and in fulfillment of local or regional housing
10 30 plans, and to that end shall provide technical assistance to
10 31 local governmental units and local or regional agencies in
10 32 need of that assistance.

10 33 3. A When feasible, a local contributing effort shall may
10 34 be required of each project assisted by the authority. As
~~10 35 used in this subsection, "project" includes one or more~~



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~~11 1 programs authorized under the provisions of this chapter. The~~
11 2 local contribution may be provided by local governmental units
11 3 or by local or regional agencies, public or private. ~~Unless~~
~~11 4 otherwise specified in this chapter, the~~ The percentage and
11 5 type of local contribution shall be determined by the
11 6 authority, and may include, but should not be limited to, cash
11 7 match, land contribution, tax abatement, or ancillary
11 8 facilities. The authority shall seek to encourage ingenuity
11 9 and creativity in local effort.

11 10 5. The authority shall seek to encourage cooperative
11 11 housing efforts at the local level, both with respect to the
11 12 cooperation of public bodies with private enterprise and civic
11 13 groups, and with respect to the formation of regional or
11 14 multicounty units engaged in housing.

11 15 Sec. 17. Section 16.4, subsection 6, unnumbered paragraph
11 16 1, Code 2007, is amended to read as follows:

11 17 ~~Wherever~~ With respect to programs relating to housing,
11 18 wherever practicable, the authority shall give preference to
11 19 the following types of programs:

11 20 Sec. 18. Section 16.4, subsection 8, Code 2007, is amended
11 21 by striking the subsection.

11 22 Sec. 19. Section 16.5, Code 2007, is amended to read as
11 23 follows:

11 24 16.5 GENERAL POWERS.

11 25 1. The authority has ~~all of the general~~ any and all powers
11 26 ~~needed~~ necessary and convenient to carry out its purposes and
11 27 duties, and exercise its specific powers, including but not
11 28 limited to the power to:

11 29 ~~1.~~ a. Issue its negotiable bonds and notes as provided in
11 30 ~~sections 16.26 to 16.30~~ this chapter in order to finance its
11 31 programs.

11 32 ~~2.~~ b. Sue and be sued in its own name.

11 33 ~~3.~~ c. Have and alter a corporate seal.

11 34 ~~4.~~ d. Make and alter bylaws for its management consistent
11 35 with the provisions of this chapter.



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12 1 ~~5.~~ e. Make and execute agreements, contracts, and other
12 2 instruments of any and all types on such terms and conditions
12 3 as the authority may find necessary or convenient to the
12 4 purposes of the authority, with any public or private entity,
12 5 including but not limited to contracts for goods and services.

12 6 All political subdivisions, public housing agencies, other
12 7 public agencies and state departments and agencies may enter
12 8 into contracts and otherwise ~~co-operate~~ cooperate with the
12 9 authority.

12 10 f. By rule, the board shall adopt procedures relating to
12 11 competitive bidding, including the identification of those
12 12 circumstances under which competitive bidding by the
12 13 authority, either formally or informally, shall be required.
12 14 In any bidding process, the authority may administer its own
12 15 bidding and procurement or may utilize the services of the
12 16 department of administrative services or any other agency.
12 17 Except when such rules apply, the authority and all contracts
12 18 made by it in carrying out its public and essential
12 19 governmental functions with respect to any of its programs
12 20 shall be exempt from the provisions and requirements of all
12 21 laws or rules of the state which require competitive bids in
12 22 connection with the letting of such contracts.

12 23 ~~6.~~ g. Acquire, hold, improve, mortgage, lease, and
12 24 dispose of real and personal property, including, but not
12 25 limited to, the power to sell at public or private sale, with
12 26 or without public bidding, any such property, mortgage loan,
12 27 or other obligation held by it.

12 28 ~~7.~~ h. Procure insurance against any loss in connection
12 29 with its operations and property interests.

12 30 ~~8.~~ i. Fix and collect fees and charges for its services.

12 31 ~~9.~~ j. Subject to an agreement with bondholders or
12 32 noteholders, invest or deposit moneys of the authority in a
12 33 manner determined by the authority, notwithstanding chapter
12 34 12B or 12C.

12 35 ~~10.~~ k. Accept appropriations, gifts, grants, loans, or



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13 1 other aid from public or private entities. A record of all
13 2 gifts or grants, stating the type, amount and donor, shall be
13 3 clearly set out in the authority's annual report along with
13 4 the record of other receipts.

13 5 ~~11.~~ l. Provide technical assistance and counseling
13 6 related to the authority's purposes, to public and private
13 7 entities.

13 8 ~~12.~~ m. In cooperation with other local, state, or federal
13 9 governmental agencies, conduct research studies, develop
13 10 estimates of unmet housing needs, and gather and compile data
13 11 useful to facilitate decision making and enter into agreements
13 12 to carry out programs within or without the state which the
13 13 authority finds to be consistent with the goals of the
13 14 authority.

13 15 ~~13.~~ n. Cooperate in the development of, and initiate
13 16 housing demonstration projects.

13 17 ~~14.~~ o. Contract with architects, engineers, attorneys,
13 18 accountants, housing construction and finance experts, and
13 19 other advisors. However, the authority may enter into
13 20 contracts or agreements for such services with local, state,
13 21 or federal governmental agencies.

13 22 ~~15.~~ p. Through the title guaranty division, make and
13 23 issue title guaranties on Iowa real property in a form
13 24 acceptable to the secondary market, to fix and collect the
13 25 charges for the guaranties and to procure reinsurance against
13 26 any loss in connection with the guaranties.

13 27 q. Own or acquire intellectual property rights including
13 28 but not limited to copyrights, trademarks, service marks, and
13 29 patents, and enforce the rights of the authority with respect
13 30 to such intellectual property rights.

~~13 31 16. Provide moneys to the shelter assistance fund created~~
~~13 32 in section 15.349.~~

13 33 ~~17.~~ r. Make, alter, and repeal rules consistent with the
13 34 provisions of this chapter, and subject to chapter 17A.

13 35 ~~18.~~ s. Establish one or more funds within the state



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14 1 treasury under the control of the authority and invest moneys
14 2 of the authority therein. Notwithstanding section 8.33 or
14 3 12C.7, or any other provision to the contrary, moneys invested
14 4 by the treasurer of state pursuant to this subsection shall
14 5 not revert to the general fund of the state and interest
14 6 accrued on the moneys shall be moneys of the authority and
14 7 shall not be credited to the general fund. For purposes of
14 8 this ~~subsection~~ paragraph, the treasurer of state shall enter
14 9 into an agreement with the authority to carry out the
14 10 provisions of this ~~subsection~~ paragraph.

14 11 t. Select projects to receive assistance by the exercise
14 12 of diligence and care and apply customary and acceptable
14 13 business and lending standards in the selection and subsequent
14 14 implementation of such projects.

14 15 u. Exercise generally all powers typically exercised by
14 16 private enterprises engaged in business pursuits unless the
14 17 exercise of such a power would violate the terms of this
14 18 chapter or the Constitution of the State of Iowa.

14 19 2. Notwithstanding any other provision of law, any
14 20 purchase or lease of real property, other than on a temporary
14 21 basis, when necessary in order to implement the programs of
14 22 the authority, protect the investments of the authority by
14 23 means of foreclosure or other means, or to facilitate the
14 24 transfer of real property for the use of low or moderate
14 25 income families, shall require written notice from the
14 26 authority to the government oversight standing committees of
14 27 the general assembly and the prior approval of the executive
14 28 council.

14 29 3. The powers enumerated in this section are cumulative of
14 30 and in addition to those powers enumerated elsewhere in this
14 31 chapter and no such powers limit or restrict any other powers
14 32 of the authority.

14 33 4. Notwithstanding any other provision of law, the
14 34 authority may elect whether to utilize any or all of the goods
14 35 or services available from other state agencies in the conduct



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15 1 of its affairs. Departments, boards, commissions, or other
15 2 agencies of the state shall provide reasonable assistance and
15 3 services to the authority upon the request of the executive
15 4 director.

15 5 Sec. 20. NEW SECTION. 16.5C SPECIFIC PROGRAM POWERS.

15 6 In addition to the general powers of the authority, the
15 7 authority shall have all powers convenient and necessary to
15 8 carry out its programs, including but not limited to the power
15 9 to:

15 10 1. Make property improvement loans and mortgage loans,
15 11 including but not limited to mortgage loans insured,
15 12 guaranteed, or otherwise secured by the federal government or
15 13 by private mortgage insurers, to housing sponsors to provide
15 14 financing of adequate housing for low or moderate income
15 15 families, elderly families, families which include one or more
15 16 persons with disabilities, child foster care facilities, and
15 17 health care facilities.

15 18 2. Provide down payment grants on behalf of low and
15 19 moderate income families to nonprofit sponsors to defray all
15 20 or part of the down payment on real property that is
15 21 transferred by such sponsors to such families under the terms
15 22 of the lease-purchase program.

15 23 3. Make grants and temporary loans, at interest rates and
15 24 on terms as determined convenient and necessary by the
15 25 authority, to defray the local contribution requirement for
15 26 housing sponsors who apply for rent supplement assistance, to
15 27 defray temporary housing costs that result from displacement
15 28 by natural or other disaster, and to defray a portion of the
15 29 expenses required to develop and initiate housing which deals
15 30 creatively with housing problems of low or moderate income
15 31 families, elderly families, and families which include one or
15 32 more persons with disabilities.

15 33 4. Make temporary loans, at interest rates and on terms as
15 34 determined convenient and necessary by the authority, to
15 35 defray development costs for housing for low or moderate



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16 1 income families including but not limited to payments for
16 2 options on sites; deposits on contracts and payments for
16 3 purchase; legal and organizational expenses including attorney
16 4 fees, project manager, clerical, and other staff salaries,
16 5 office rent, and other additional expenses; payment of fees
16 6 for preliminary feasibility studies and advances for planning,
16 7 engineering, and architectural work; expenses for tenant
16 8 surveys and market analysis; and necessary application and
16 9 other fees.

16 10 5. Make or participate in the making of property
16 11 improvement loans or mortgage loans for rehabilitation or
16 12 preservation of existing dwellings. The authority may issue
16 13 housing assistance fund notes payable solely from the housing
16 14 assistance fund.

16 15 6. Renegotiate a mortgage loan or loan to a mortgage
16 16 lender in default; waive a default or consent to the
16 17 modification of the terms of a mortgage loan or a loan to a
16 18 mortgage lender; forgive or forbear all or part of a mortgage
16 19 loan or a loan to a mortgage lender; and commence, prosecute,
16 20 and enforce a judgment in any action, including but not
16 21 limited to a foreclosure action, to protect or enforce any
16 22 right conferred upon the authority by law, mortgage loan
16 23 agreement, contract or other agreement, and in connection with
16 24 any such action, bid for and purchase the property or acquire
16 25 or take possession of it, complete, administer, and pay the
16 26 principal of and interest on any obligations incurred in
16 27 connection with the property, and dispose of and otherwise
16 28 deal with the property in a manner as the authority deems
16 29 advisable to protect its interests.

16 30 7. Designate areas of economic distress for purposes of
16 31 section 103A(k)(3)(A)(i) of the Internal Revenue Code.

16 32 8. Purchase, and make advance commitments to purchase,
16 33 residential mortgage loans from mortgage lenders at prices and
16 34 upon terms and conditions it determines consistent with its
16 35 goals and legislative findings. However, the total purchase



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17 1 price for all residential mortgage loans which the authority
17 2 commits to purchase from a mortgage lender at any one time
17 3 shall not exceed the total of the unpaid principal balances of
17 4 the residential mortgage loans purchased. Mortgage lenders
17 5 are authorized to sell residential mortgage loans to the
17 6 authority in accordance with this section and the rules of the
17 7 authority. The authority may charge a mortgage lender a
17 8 commitment fee or other fees as set by rule as a condition for
17 9 the authority purchasing residential mortgage loans.

17 10 9. Sell or make advanced commitments to sell residential
17 11 mortgage loans in the organized or unorganized secondary
17 12 mortgage market. The authority may issue and sell securities
17 13 that are secured by residential mortgage loans held by the
17 14 authority. The authority may aggregate the residential
17 15 mortgage loans sold in the secondary market or used as
17 16 security on the mortgage-backed securities. The amount of
17 17 mortgage-backed securities sold shall not exceed the principal
17 18 of the mortgages retained by the authority as security.

17 19 10. File a lien on property where appropriate, convenient,
17 20 and necessary in carrying out a program.

17 21 Sec. 21. Section 16.10, subsection 1, Code 2007, is
17 22 amended to read as follows:

17 23 1. Moneys declared by the authority to be surplus moneys
17 24 which are not required to service bonds and notes issued by
17 25 the authority, to pay administrative expenses of the
17 26 authority, or to accumulate necessary operating or loss
17 27 reserves, shall be used by the authority to provide grants,
17 28 subsidies, and services to lower income families and very low
17 29 income families through the programs authorized in this
17 30 chapter ~~or to provide funds for the residential mortgage~~
~~17 31 interest reduction program established pursuant to section~~
~~17 32 16.81 and consistent with legislative findings and guiding~~
17 33 principles. In addition, the authority may use such surplus
17 34 moneys to provide assistance to the local housing assistance
17 35 program established in sections 15.351 through 15.354 for



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18 1 purposes of providing assistance to low and moderate income
18 2 families. Surplus moneys shall not be used for infrastructure
18 3 or administration purposes under the local housing assistance
18 4 program.

18 5 Sec. 22. Section 16.15, subsection 1, Code 2007, is
18 6 amended to read as follows:

18 7 ~~1.~~ The authority shall participate in the housing
18 8 assistance payments program under section 8 of the United
18 9 States Housing Act of 1937, as amended by section 201 of the
18 10 Housing and Community Development Act of 1974, Pub. L. No.
18 11 93-383, codified at 42 U.S.C. } 1437 et seq. ~~The purpose of~~
~~18 12 participation is to enable the authority to obtain, on behalf~~
~~18 13 of the state of Iowa, set-asides of contract authorization~~
~~18 14 reserved by the United States secretary of housing and urban~~
~~18 15 development for public housing agencies, to enter into annual~~
~~18 16 contributions contracts, to otherwise expedite use of the~~
~~18 17 program through the use of state housing finance funds, and to~~
~~18 18 encourage new construction and substantial rehabilitation of~~
~~18 19 housing suitable for assistance under the program. Assistance~~
~~18 20 may be provided for existing housing units made available by~~
~~18 21 owners for the program, as well as for newly constructed~~
~~18 22 housing units. Maximum rents shall be established by the~~
~~18 23 authority in conformity with federal law.~~

18 24 Sec. 23. Section 16.15, subsections 2, 3, 4, 5, 6, 7, and
18 25 8, Code 2007, are amended by striking the subsections.

18 26 Sec. 24. Section 16.40, Code 2007, is amended by striking
18 27 the section and inserting in lieu thereof the following:

18 28 16.40 HOUSING ASSISTANCE FUND.

18 29 1. A housing assistance fund is created within the
18 30 authority. The moneys in the fund shall be used by the
18 31 authority to protect, preserve, create, and improve access to
18 32 safe and affordable housing. The authority shall establish
18 33 programs utilizing the fund by administrative rules adopted
18 34 pursuant to chapter 17A and provide the requirements for the
18 35 proper administration of the programs.

19 1 2. Moneys in the fund, including moneys which are annually
19 2 appropriated to the authority, may be allocated for any use
19 3 authorized by this chapter unless otherwise specified.

19 4 3. The authority may use moneys in the fund to provide
19 5 financial assistance to a housing sponsor or an individual in
19 6 the form of a loan, loan guarantee, grant, or interest
19 7 subsidy, or by other means under the general powers of the
19 8 authority.

19 9 4. Moneys in the fund may be used for but are not limited
19 10 to the following purposes:

19 11 a. Home ownership programs including all of the following:

19 12 (1) Authority bond issues and loans to facilitate and
19 13 ensure equal access across the state to funds for first-time
19 14 homebuyers programs.

19 15 (2) Home ownership incentive programs not restricted to
19 16 first-time homebuyers, including down payment and closing
19 17 costs assistance.

19 18 (3) Programs for home maintenance and repair, new
19 19 construction, acquisition, and rehabilitation.

19 20 (4) Support for home ownership education and counseling
19 21 programs.



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19 22 b. Rental programs, including rental subsidy,
19 23 rehabilitation, preservation, new construction, and
19 24 acquisition.

19 25 c. Programs that provide a continuum of housing services,
19 26 including construction, operation, and maintenance of homeless
19 27 shelters, domestic violence shelters, and transitional housing
19 28 and supportive services to lower income and very low-income
19 29 families.

19 30 d. Technical assistance programs that increase the
19 31 capacity of for-profit and nonprofit housing entities.

19 32 5. Notwithstanding section 8.33, moneys in the housing
19 33 assistance fund at the end of each fiscal year shall not
19 34 revert to the general fund or any other fund but shall remain
19 35 in the housing assistance fund for expenditure for subsequent



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20 1 fiscal years.

20 2 6. The authority may establish, by rule adopted pursuant
20 3 to chapter 17A, an annual administration fee to be charged to
20 4 the housing assistance fund. The annual fee shall not exceed
20 5 four percent of the moneys, loans, or other assets held in the
20 6 fund.

20 7 7. During each regular session of the general assembly,
20 8 the authority shall present to the appropriate joint
20 9 appropriations subcommittee a report concerning the total
20 10 estimated resources to be available for expenditure under this
20 11 section for the next fiscal year and the amount the authority
20 12 proposes to allocate to each program created pursuant to this
20 13 section.

20 14 Sec. 25. Section 16.53, Code 2007, is amended to read as
20 15 follows:

20 16 16.53 RESIDENTIAL REVERSE ANNUITY MORTGAGE MODEL PROGRAM.

20 17 The authority ~~shall~~ may develop a model reverse annuity
20 18 mortgage conforming to the requirements of this chapter, and
20 19 ~~shall~~ may offer reverse annuity mortgages to qualified
20 20 participants.

20 21 Sec. 26. Section 16.73, unnumbered paragraph 1, Code 2007,
20 22 is amended to read as follows:

20 23 The authority ~~shall~~ may adopt rules pursuant to chapter 17A
20 24 relating to the purchase and sale of residential mortgage
20 25 loans and the sale of mortgage-backed securities. The rules
20 26 ~~shall~~ may provide ~~at least~~ for the following:

20 27 Sec. 27. Section 16.91, subsection 1, Code 2007, is
20 28 amended to read as follows:

20 29 1. The authority through the title guaranty division shall
20 30 initiate and operate a program in which the division shall
20 31 offer guaranties of real property titles in this state. The
20 32 terms, conditions and form of the guaranty contract shall be
20 33 forms approved by the division board. The division shall fix
20 34 a charge for the guaranty in an amount sufficient to permit
20 35 the program to operate on a self-sustaining basis, including



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21 1 payment of administrative costs and the maintenance of an
21 2 adequate reserve against claims under the title guaranty
21 3 program. A title guaranty fund is created in the office of
21 4 the treasurer of state. Funds collected under this program
21 5 shall be placed in the title guaranty fund and are available
21 6 to pay all claims, necessary reserves and all administrative
21 7 costs of the title guaranty program. Moneys in the fund shall
21 8 not revert to the general fund and interest on the moneys in
21 9 the fund shall be transferred to the department of economic
21 10 development for deposit in the local housing assistance
21 11 program fund established in section 15.354 and shall not
21 12 accrue to the general fund. If the authority board in
21 13 consultation with the division board determines that there are
21 14 surplus funds in the title guaranty fund after providing for
21 15 adequate reserves and operating expenses of the division, the
21 16 surplus funds shall be transferred to the housing ~~program~~
21 17 assistance fund created pursuant to section 16.40.

21 18 Sec. 28. Section 16.102, unnumbered paragraph 1, Code
21 19 2007, is amended to read as follows:

21 20 The authority ~~shall~~ may assist the development and
21 21 expansion of family farming, soil conservation, housing, and
21 22 business in the state through the establishment of the Iowa
21 23 economic development bond bank program. The authority may
21 24 issue its bonds or notes, or series of bonds or notes for the
21 25 purpose of defraying the cost of one or more projects and make
21 26 secured and unsecured loans for the acquisition and
21 27 construction of projects on terms the authority determines.
21 28 For purposes of this section, projects shall include any of
21 29 the following:

21 30 Sec. 29. Section 16.102, subsection 1, Code 2007, is
21 31 amended by striking the subsection.

21 32 Sec. 30. Section 16.106, Code 2007, is amended to read as
21 33 follows:

21 34 16.106 ADOPTION OF RULES.

21 35 The board of directors of the authority shall adopt rules



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22 1 pursuant to chapter 17A to implement sections ~~16.101~~ 16.102
22 2 through 16.105.

22 3 Sec. 31. Section 16A.2, subsection 7, Code 2007, is
22 4 amended by striking the subsection.

22 5 Sec. 32. Section 331.361, subsection 4, Code 2007, is
22 6 amended to read as follows:

22 7 4. The board shall not dispose of real property by gift
22 8 except for a public purpose, as determined by the board, in
22 9 accordance with other state law. ~~However, the board may~~
~~22 10 dispose of real property for use in an Iowa homesteading~~
~~22 11 program under section 16.14 for a nominal consideration.~~

22 12 Sec. 33. Section 364.7, subsection 3, Code 2007, is
22 13 amended to read as follows:

22 14 3. A city may not dispose of real property by gift except
22 15 to a governmental body for a public purpose. ~~However, a city~~
~~22 16 may dispose of real property for use in an Iowa homesteading~~
~~22 17 program under section 16.14 for a nominal consideration,~~
~~22 18 including but not limited to property in an urban renewal~~
~~22 19 area.~~

22 20 Sec. 34. Section 403A.3, subsection 10, Code 2007, is
22 21 amended to read as follows:

22 22 10. To ~~co-operate~~ cooperate with the Iowa finance
22 23 authority, to participate in any of its programs, to use any
22 24 of the funds available to the municipality for the uses of
22 25 this chapter to contribute to such programs in which it
22 26 participates, and to comply with the provisions of ~~sections~~
~~22 27 16.1 to 16.36~~ chapter 16 and the rules of the Iowa finance
22 28 authority promulgated thereunder.

22 29 Sec. 35. Section 422.7, subsection 12, paragraph c,
22 30 unnumbered paragraph 6, Code 2007, is amended to read as
22 31 follows:

22 32 For purposes of this subsection, "small business" means
22 33 ~~small business as defined in section 16.1, subsection 36,~~
~~22 34 except that it shall also include the operation of a farm a~~
22 35 profit or nonprofit business, including but not limited to an



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23 1 individual, partnership, corporation, joint venture,
23 2 association, or cooperative, to which the following apply:
23 3 (1) It is not an affiliate or subsidiary of a business
23 4 dominant in its field of operation.
23 5 (2) It has twenty or fewer full-time equivalent positions
23 6 and not more than the equivalent of three million dollars in
23 7 annual gross revenues as computed for the preceding fiscal
23 8 year or as the average of the three preceding fiscal years.
23 9 (3) It does not include the practice of a profession.
23 10 "Small business" includes an employee-owned business which
23 11 has been an employee-owned business for less than three years
23 12 or which meets the conditions of subparagraphs (1) through
23 13 (3).
23 14 For purposes of this definition, "dominant in its field of
23 15 operation" means having more than twenty full-time equivalent
23 16 positions and more than three million dollars in annual gross
23 17 revenues, and "affiliate or subsidiary of a business dominant
23 18 in its field of operation" means a business which is at least
23 19 twenty percent owned by a business dominant in its field of
23 20 operation, or by partners, officers, directors, majority
23 21 stockholders, or their equivalents, of a business dominant in
23 22 that field of operation.
23 23 The department may, by resolution, waive any or all of the
23 24 requirements of paragraph "b" in connection with a loan to a
23 25 small business, as defined under applicable federal law and
23 26 regulations that have been enacted or adopted by April 1,
23 27 1983, in which federal assistance, insurance, or guaranties
23 28 are sought.
23 29 Sec. 36. Section 422.35, subsection 6, paragraph c,
23 30 unnumbered paragraph 4, Code 2007, is amended to read as
23 31 follows:
23 32 For purposes of this subsection, "small business" means
23 33 ~~small business as defined in section 16.1, subsection 36,~~
23 34 ~~except that it shall also include the operation of a farm a~~
23 35 ~~profit or nonprofit business, including but not limited to an~~



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24 1 individual, partnership, corporation, joint venture,
24 2 association, or cooperative, to which the following apply:
24 3 (1) It is not an affiliate or subsidiary of a business
24 4 dominant in its field of operation.
24 5 (2) It has either twenty or fewer full-time equivalent
24 6 positions or not more than the equivalent of three million
24 7 dollars in annual gross revenues as computed for the preceding
24 8 fiscal year or as the average of the three preceding fiscal
24 9 years.
24 10 (3) It does not include the practice of a profession.
24 11 "Small business" includes an employee-owned business which
24 12 has been an employee-owned business for less than three years
24 13 or which meets the conditions of subparagraphs (1) through
24 14 (3).
24 15 For purposes of this definition, "dominant in its field of
24 16 operation" means having more than twenty full-time equivalent
24 17 positions and more than three million dollars in annual gross
24 18 revenues, and "affiliate or subsidiary of a business dominant
24 19 in its field of operation" means a business which is at least
24 20 twenty percent owned by a business dominant in its field of
24 21 operation, or by partners, officers, directors, majority
24 22 stockholders, or their equivalents, of a business dominant in
24 23 that field of operation.
24 24 The department may, by resolution, waive any or all of the
24 25 requirements of paragraph "b" in connection with a loan to a
24 26 small business, as defined under applicable federal law and
24 27 regulations that have been enacted or adopted by April 1,
24 28 1983, in which federal assistance, insurance, or guaranties
24 29 are sought.
24 30 Sec. 37. Section 446.7, unnumbered paragraph 2, Code 2007,
24 31 is amended to read as follows:
24 32 Parcels against which the county holds a tax sale
24 33 certificate or a municipality holds a tax sale certificate
24 34 acquired under section 446.19, parcels of municipal and
24 35 political subdivisions of the state of Iowa, ~~parcels held by a~~



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~~25 1 city or county agency or the Iowa finance authority for use in~~
~~25 2 an Iowa homesteading project, or parcels of the state or its~~
25 3 agencies, shall not be offered or sold at tax sale and a tax
25 4 sale of those parcels is void from its inception. When taxes
25 5 are owing against parcels owned or claimed by a municipal or
25 6 political subdivision of the state of Iowa, ~~parcels held by a~~
~~25 7 city or county agency or the Iowa finance authority for use in~~
~~25 8 an Iowa homesteading project, or parcels of the state or its~~
25 9 agencies, the treasurer shall give notice to the appropriate
25 10 governing body which shall then pay the total amount due. If
25 11 the governing body fails to pay the total amount due, the
25 12 board of supervisors shall abate the total amount due.
25 13 Sec. 38. Section 446.19A, subsection 3, Code 2007, is
25 14 amended to read as follows:
25 15 3. If after the date that a parcel is sold pursuant to
25 16 this chapter, or after the date that a parcel is sold under
25 17 section 446.18, or 446.38, ~~or 446.39~~, the parcel assessed as
25 18 residential property or as commercial multifamily housing
25 19 property is identified as abandoned or as a vacant lot
25 20 pursuant to a verified statement filed with the county
25 21 treasurer by a city or county in the form set forth in
25 22 subsection 2, a city or county may require the assignment of
25 23 the tax sale certificate that had been issued for such parcel
25 24 by paying to the holder of such certificate the total amount
25 25 due on the date the assignment of the certificate is made to
25 26 the county or city and recorded with the county treasurer. If
25 27 a certificate holder fails to assign the certificate of
25 28 purchase to the city or county, the county treasurer is
25 29 authorized to issue a duplicate certificate of purchase, which
25 30 shall take the place of the original certificate, and assign
25 31 the duplicate certificate to the city or county. If the
25 32 certificate is not assigned by the county or city pursuant to
25 33 subsection 4, the county or city, whichever is applicable, is
25 34 liable for the tax sale interest that was due the certificate
25 35 holder pursuant to section 447.1, as of the date of



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26 1 assignment.
26 2 Sec. 39. Section 447.9, subsection 1, Code 2007, is
26 3 amended to read as follows:
26 4 1. After one year and nine months from the date of sale,
26 5 or after nine months from the date of a sale made under
26 6 section 446.18 ~~or 446.39~~, or after three months from the date
26 7 of a sale made under section 446.19A or 446.19B, the holder of
26 8 the certificate of purchase may cause to be served upon the
26 9 person in possession of the parcel, and also upon the person
26 10 in whose name the parcel is taxed, a notice signed by the
26 11 certificate holder or the certificate holder's agent or
26 12 attorney, stating the date of sale, the description of the
26 13 parcel sold, the name of the purchaser, and that the right of
26 14 redemption will expire and a deed for the parcel be made
26 15 unless redemption is made within ninety days from the
26 16 completed service of the notice. The notice shall be served
26 17 by both regular mail and certified mail to the person's last
26 18 known address and such service is deemed completed when the
26 19 notice by certified mail is deposited in the mail and
26 20 postmarked for delivery. The ninety-day redemption period
26 21 begins as provided in section 447.12. When the notice is
26 22 given by a county as a holder of a certificate of purchase the
26 23 notice shall be signed by the county treasurer or the county
26 24 attorney, and when given by a city, it shall be signed by the
26 25 city officer designated by resolution of the council. When
26 26 the notice is given by the Iowa finance authority or a city or
26 27 county agency holding the parcel as part of an Iowa
26 28 homesteading project, it shall be signed on behalf of the
26 29 agency or authority by one of its officers, as authorized in
26 30 rules of the agency or authority.
26 31 Sec. 40. Section 447.12, Code 2007, is amended to read as
26 32 follows:
26 33 447.12 WHEN SERVICE DEEMED COMPLETE == PRESUMPTION.
26 34 Service is complete only after an affidavit has been filed
26 35 with the county treasurer, showing the making of the service,



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27 1 the manner of service, the time when and place where made,
27 2 under whose direction the service was made, and costs incurred
27 3 as provided in section 447.13. Costs not filed with the
27 4 treasurer before a redemption is complete shall not be
27 5 collected by the treasurer. Costs shall not be filed with the
27 6 treasurer prior to the filing of the affidavit. The affidavit
27 7 shall be made by the holder of the certificate or by the
27 8 holder's agent or attorney, and in either of the latter cases
27 9 stating that the affiant is the agent or attorney of the
27 10 holder of the certificate. The affidavit shall be filed by
27 11 the treasurer and entered in the county system and is
27 12 presumptive evidence of the completed service of the notice.
27 13 The right of redemption shall not expire until ninety days
27 14 after service is complete. A redemption shall not be
27 15 considered valid unless received by the treasurer prior to the
27 16 close of business on the ninetieth day from the date of
27 17 completed service except in the case of a public bidder
27 18 certificate held by the county in which case the county may
27 19 accept a redemption at any time prior to the issuance of the
27 20 tax deed. However, if the ninetieth day falls on a Saturday,
27 21 Sunday, or a holiday, payment of the total redemption amount
27 22 must be received by the treasurer before the close of business
27 23 on the first business day following the ninetieth day. The
27 24 date of postmark of a redemption shall not be considered as
27 25 the day the redemption was received by the treasurer for
27 26 purposes of the ninety-day time period. ~~When the parcel is~~
~~27 27 held by a city or county, a city or county agency, or the Iowa~~
~~27 28 finance authority, for use in an Iowa homesteading project,~~
~~27 29 whether or not the parcel is the subject of a conditional~~
~~27 30 conveyance granted under the project, the affidavit shall be~~
~~27 31 made by the treasurer of the county or the county attorney, a~~
~~27 32 city officer designated by resolution of the council, or on~~
~~27 33 behalf of the agency or authority, by one of its officers as~~
~~27 34 authorized in rules of the agency or authority.~~
27 35 Sec. 41. Section 447.13, unnumbered paragraph 2, Code



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29 22 marketing program; and liens under the residential mortgage
29 23 interest reduction program.

29 24 The bill creates new definitions of the terms "goals",
29 25 "guiding principles", "powers", "programs", and "projects".
29 26 The bill amends the term "bond" to include a note or other
29 27 instrument evidencing a debt authorized or referred to in Code
29 28 chapter 16. The bill amends the term "cost" to define what is
29 29 included under the term as used in the economic development
29 30 loan program.

29 31 The bill amends the competitive bidding provisions
29 32 applicable to the authority by providing that the board shall
29 33 adopt procedures relating to competitive bidding, including
29 34 the identification of those circumstances under which
29 35 competitive bidding by the authority shall be required. The



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30 1 bill allows the authority to administer its own bidding and
30 2 procurement or to utilize the services of the department of
30 3 administrative services or any other agency.
30 4 The bill allows the authority to own or acquire
30 5 intellectual property rights and to enforce the rights of the
30 6 authority with respect to such intellectual property rights.
30 7 The bill eliminates the authority's power to provide moneys to
30 8 the shelter assistance fund. The bill allows the authority to
30 9 select projects to receive assistance by the exercise of
30 10 diligence and care and to apply customary and acceptable
30 11 business and lending standards in the selection and subsequent
30 12 implementation of such projects. The bill allows the
30 13 authority to exercise generally all powers typically exercised
30 14 by private enterprises engaged in business pursuits unless the
30 15 exercise of such a power violates the law. The bill provides
30 16 that any purchase or lease of real property, other than on a
30 17 temporary basis, where necessary in order to implement the
30 18 programs of the authority, protect the investments of the
30 19 authority by means of foreclosure or other means, or to
30 20 facilitate the transfer of real property for the use of low or
30 21 moderate income families, shall require written notice from
30 22 the authority to the government oversight standing committees
30 23 of the general assembly and the prior approval of the
30 24 executive council. The bill provides that the authority may
30 25 elect whether to utilize any or all of the goods or services
30 26 available from other state agencies in the conduct of its
30 27 affairs.
30 28 The bill eliminates the housing program fund and creates a
30 29 housing assistance fund within the authority for purposes of
30 30 protecting, preserving, creating, and improving access to safe
30 31 and affordable housing. The bill requires the authority to
30 32 establish programs utilizing the fund by administrative rules
30 33 and provide the requirements for the proper administration of
30 34 the programs. The bill allows moneys in the fund, including
30 35 moneys which are annually appropriated to the authority, to be



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31 1 allocated for any use authorized by Code chapter 16 unless
31 2 otherwise specified. The bill allows the authority to use
31 3 moneys in the fund to provide financial assistance to a
31 4 housing sponsor or an individual in the form of a loan, loan
31 5 guarantee, grant, or interest subsidy, or by other means under
31 6 the general powers of the authority. The bill allows moneys
31 7 in the fund to be used for home ownership programs, rental
31 8 programs, programs that provide a continuum of housing
31 9 services, and technical assistance programs that increase the
31 10 capacity of for-profit and nonprofit housing entities. The
31 11 bill allows the authority to establish an annual
31 12 administration fee to be charged to the housing assistance
31 13 fund which shall not exceed 4 percent of the moneys, loans, or
31 14 other assets held in the fund. The bill provides for a
31 15 biennial reporting requirement to the general assembly
31 16 regarding activities in the fund.

31 17 The bill allows the authority to develop a model reverse
31 18 annuity mortgage and allows the authority to offer such
31 19 mortgages to qualified participants. Currently, the authority
31 20 is required to develop such mortgages and is required to offer
31 21 such mortgages to qualified participants.

31 22 The bill allows the authority to adopt rules relating to
31 23 the purchase and sale of residential mortgage loans and the
31 24 sale of mortgage-backed securities. Currently, the authority
31 25 is required to adopt such rules.

31 26 The bill provides that the moneys and assets of the current
31 27 housing program fund would be transferred to the housing
31 28 assistance fund created by the bill.

31 29 The bill eliminates Code sections and subsections relating
31 30 to legislative findings for the Iowa economic development bond
31 31 bank program; certain nonprofit corporations created by or in
31 32 association with the Iowa finance authority; the housing
31 33 corporation board of directors; authorization to combine
31 34 programs; all provisions for property improvement loans and
31 35 mortgage loans except for the general authority to make such



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32 1 loans; all provisions of the lease-purchase agreements program
32 2 except for the general authority to provide down payment
32 3 grants; the Iowa homesteading program; rent supplements; all
32 4 provisions for housing assistance for very low-income and
32 5 lower income families except for the general authority to
32 6 participate in the federal housing assistance payments
32 7 program; all provisions for property improvement loans and
32 8 mortgage loans for rehabilitation or preservation of certain
32 9 existing dwellings except for the general authority to make
32 10 such loans; all provisions regarding housing assistance fund
32 11 notes except for the general authority to issue such notes;
32 12 rules regarding loans to mortgage lenders and purchases of
32 13 mortgage loans; certification of amortization periods;
32 14 applicability of planning, zoning, and building laws; local
32 15 urban homesteading; limitations of certain loans; new
32 16 construction and housing rehabilitation requirements;
32 17 allocation of the state ceiling and qualified mortgage bonds;
32 18 the small business loan program; authority to establish a
32 19 residential mortgage marketing program; certain conditions of
32 20 purchase of a residential mortgage loan from a mortgage
32 21 lender; the residential mortgage interest reduction program;
32 22 all provisions of the housing improvement fund program except
32 23 for the homelessness advisory committee; and the export
32 24 business finance program.
32 25 The bill contains conforming amendments.
32 26 LSB 1303SV 82
32 27 tm:nh/je/5



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SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1260)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making changes to the conduct of elections and voter
- 2 registration and including effective and applicability date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2804SV 82
- 6 sc/gg/14



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2 1 for the office shall be nominated at the primary election.
2 2 Sec. 3. Section 43.14, Code 2007, is amended to read as
2 3 follows:
2 4 43.14 FORM OF NOMINATION PAPERS.
2 5 1. Nomination papers shall include a petition and an
2 6 affidavit of candidacy. All nomination petitions shall be
2 7 eight and one-half by eleven inches in size and in
2 8 substantially the form prescribed by the state commissioner of
2 9 elections. They shall include or provide spaces for the
2 10 following information:
2 11 a. A statement identifying the signers of the petition as
2 12 eligible electors of the appropriate county or legislative
2 13 district and of the state.
2 14 b. The name of the candidate nominated by the petition.
2 15 c. For nomination petitions for candidates for the general
2 16 assembly, a statement that the residence of the candidate is
2 17 within the appropriate legislative district, or if that is not
2 18 true, that the candidate will reside there within sixty days
2 19 before the election. For other offices, a statement of the
2 20 name of the county where the candidate resides.
2 21 d. The political party with which the candidate is a
2 22 registered voter.
2 23 e. The office sought by the candidate, including the
2 24 district number, if any.
2 25 f. The date of the primary election for which the
2 26 candidate is nominated.
2 27 2. Signatures on a petition page shall be counted only if
2 28 the ~~required~~ information required in subsection 1 is written
2 29 or printed at the top of the page. Nomination papers on
2 30 behalf of candidates for seats in the general assembly need
2 31 only designate the number of the senatorial or representative
2 32 district, as appropriate, and not the county or counties, in
2 33 which the candidate and the petitioners reside. A signature
2 34 line shall not be counted if the line lacks the signature of
2 35 the eligible elector and the signer's address and city. ~~The~~



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~~3 1 person examining the petition shall mark any deficiencies on
3 2 the petition and affidavit. A signature line shall not be
3 3 counted if the signer's address is obviously outside the
3 4 boundaries of the district.~~

3 5 ~~2.~~ 3. The person examining the petition shall mark any
3 6 deficiencies on the petition and affidavit. Signed nomination
3 7 petitions and the signed and notarized affidavit of candidacy
3 8 shall not be altered to correct deficiencies noted during
3 9 examination. If the nomination petition lacks a sufficient
3 10 number of acceptable signatures, the nomination petition shall
3 11 be rejected and shall be returned to the candidate.

3 12 4. The nomination papers shall be rejected if the
3 13 affidavit lacks any of the following:

- 3 14 a. The candidate's name.
- 3 15 b. The name of the office sought, including the district,
3 16 if any.
- 3 17 c. The political party name.
- 3 18 d. The signature of the candidate.
- 3 19 e. The signature of a notary public or other officer
3 20 empowered to witness oaths.

3 21 5. The candidate may replace a deficient affidavit with a
3 22 corrected affidavit only if the replacement affidavit is filed
3 23 before the filing deadline. The candidate may resubmit a
3 24 nomination petition that has been rejected by adding a
3 25 sufficient number of pages or signatures to correct the
3 26 deficiency. A nomination petition and affidavit filed to
3 27 replace rejected nomination papers shall be filed together
3 28 before the deadline for filing.

3 29 Sec. 4. Section 45.5, Code 2007, is amended to read as
3 30 follows:

3 31 45.5 FORM OF NOMINATION PAPERS.
3 32 1. Nomination papers shall include a petition and an
3 33 affidavit of candidacy. All nomination petitions shall be
3 34 eight and one-half by eleven inches in size and shall be in
3 35 substantially the form prescribed by the state commissioner of



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4 1 elections. They shall provide spaces for the following
4 2 information:
4 3 a. A statement identifying the signers of the petition as
4 4 eligible electors of the appropriate ward, city, county,
4 5 school district or school district director district, or
4 6 legislative district and of the state of Iowa.
4 7 b. The name of the candidate nominated by the petition.
4 8 c. A statement that the candidate is or will be a resident
4 9 of the appropriate ward, city, county, school district, or
4 10 legislative or other district as required by section 39.27.
4 11 d. The office sought by the candidate, including the
4 12 district number, if any.
4 13 e. The name and date of the election for which the
4 14 candidate is nominated.
4 15 2. Signatures on a petition page shall be counted only if
4 16 the ~~required~~ information ~~required in subsection 1~~ is written
4 17 or printed at the top of the page. Nomination papers on
4 18 behalf of candidates for seats in the general assembly need
4 19 only designate the number of the senatorial or representative
4 20 district, as appropriate, and not the county or counties, in
4 21 which the candidate and the petitioners reside. A signature
4 22 line in a nomination petition shall not be counted if the line
4 23 lacks the signature of the eligible elector and the signer's
4 24 address and city. ~~The person examining the petition shall~~
4 25 ~~mark any deficiencies on the petition.~~ A signature line shall
4 26 not be counted if the signer's address is obviously outside
4 27 the boundaries of the appropriate ward, city, school district
4 28 or school district director district, legislative district, or
4 29 other district.
4 30 ~~2.~~ 3. The pages of the petition shall be securely
4 31 fastened together to form a single bundle. Nomination
4 32 petitions that are not bound shall be returned without further
4 33 examination. The state commissioner shall prescribe by rule
4 34 the acceptable methods for binding nomination petitions.
4 35 ~~3.~~ 4. The person examining the petition shall mark any



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5 1 deficiencies on the petition. Signed nomination petitions and
5 2 the signed and notarized affidavit of candidacy shall not be
5 3 altered to correct deficiencies noted during the examination.
5 4 If the nomination petition lacks a sufficient number of
5 5 acceptable signatures, the nomination papers shall be rejected
5 6 and returned to the candidate.

5 7 5. The nomination papers shall be rejected if the
5 8 affidavit lacks any of the following:

5 9 a. The candidate's name.

5 10 b. The name of the office sought, including the district,
5 11 if any.

5 12 c. The signature of the candidate.

5 13 d. The signature of a notary public or other officer
5 14 empowered to witness oaths.

5 15 6. The candidate may replace a deficient affidavit with a
5 16 corrected one only if the replacement is filed before the
5 17 filing deadline. The candidate may resubmit a nomination
5 18 petition that has been rejected by adding a sufficient number
5 19 of pages or signatures to correct the deficiency. A
5 20 nomination petition and affidavit filed to replace rejected
5 21 nomination papers shall be filed together before the deadline
5 22 for filing.

5 23 Sec. 5. Section 45.6, subsection 3, Code 2007, is amended
5 24 to read as follows:

5 25 3. All signers, for all nominations, of each separate part
5 26 of a nomination petition, shall reside in the appropriate
5 27 ward, city, county, school district or school district
5 28 director district, ~~or~~ legislative district, or other district
5 29 as required by section 45.1.

5 30 Sec. 6. Section 49.8, Code 2007, is amended by adding the
5 31 following new subsection:

5 32 NEW SUBSECTION. 6A. Precinct boundaries established by a
5 33 city council pursuant to section 49.5 or 49.6 and not changed
5 34 under subsections 1 through 5 since the most recent federal
5 35 decennial census, may be redrawn by the city council in



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6 1 accordance with sections 49.3 and 49.5 once during the period
6 2 beginning January 1 of the second year following a year in
6 3 which a federal decennial census is taken and ending June 30
6 4 of the year immediately following the year in which the next
6 5 succeeding federal decennial census is taken, if the
6 6 commissioner recommends that the change will effect a
6 7 substantial savings in election costs. Changes made under
6 8 this subsection shall be made not later than ninety-nine days
6 9 before a city primary or runoff election, unless the changes
6 10 will not take effect until January 1 of the next odd-numbered
6 11 year.

6 12 Sec. 7. Section 49.14, subsection 1, Code 2007, is amended
6 13 to read as follows:

6 14 1. The commissioner may appoint substitute precinct
6 15 election officials as alternates for election board members.
6 16 ~~A majority of the original election board members shall be~~
~~6 17 present at the precinct polling place at all times; at~~
~~6 18 partisan elections such majority shall include at least one~~
~~6 19 precinct election official from each political party. If the~~
~~6 20 chairperson leaves the polling place, the chairperson shall~~
~~6 21 designate another member of the board to serve as chairperson~~
~~6 22 until the chairperson returns. The responsibilities and~~
6 23 duties of a precinct election official, other than the
6 24 chairperson, present at the time the polling place was opened
6 25 on the day of an election may be assumed at any later time
6 26 that day by a substitute appointed as an alternate. The
6 27 substitute shall serve either for the balance of that election
6 28 day or for any shorter period of time the commissioner may
6 29 designate. At partisan elections, a substitute precinct
6 30 election official assuming the duties of a precinct election
6 31 official shall be a member of the same political party as the
6 32 precinct election official whose duties are being assumed.

6 33 Sec. 8. Section 49.57, subsections 2 and 3, Code 2007, are
6 34 amended to read as follows:

6 35 2. In the area of the general election ballot for straight



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7 1 party voting, the party or organization names shall be printed
7 2 in ~~capital~~ upper case and lower case letters ~~of~~ using a
7 3 uniform font size, ~~in~~ for each political party or nonparty
7 4 political organization. The font size shall be not less than
7 5 twelve point type. After the name of each candidate for a
7 6 partisan office the name of the candidate's political party
7 7 shall be printed in at least six point type. The names of
7 8 political parties and nonparty political organizations may be
7 9 abbreviated on the remainder of the ballot if both the full
7 10 name and the abbreviation appear in the "Straight Party" and
7 11 "Other Political Party" areas of the ballot.

7 12 3. The names of candidates shall be printed in ~~capital~~
7 13 upper case and lower case letters, ~~of~~ using a uniform font
7 14 size throughout the ballot, ~~in~~. The font size shall be not
7 15 less than ten point type.

7 16 Sec. 9. Section 49.57, Code 2007, is amended by adding the
7 17 following new subsection:

7 18 NEW SUBSECTION. 3A. In no case shall the font size for
7 19 public measures, constitutional amendments, and constitutional
7 20 convention questions, and summaries thereof, be less than ten
7 21 point type.

7 22 Sec. 10. Section 49.57, subsection 5, Code 2007, is
7 23 amended to read as follows:

7 24 5. A portion of the ballot, which can be shown to the
7 25 precinct officials without revealing any of the marks made by
7 26 the voter, shall include the words "Official ballot", ~~a~~
7 27 ~~designation of the ballot rotation, if any the unique~~
7 28 identification number or name assigned by the commissioner to
7 29 the ballot style, the date of the election, and a facsimile of
7 30 the signature of the commissioner who has caused the ballot to
7 31 be printed pursuant to section 49.51.

7 32 Sec. 11. Section 49.73, subsection 1, paragraph e, Code
7 33 2007, is amended to read as follows:

7 34 e. The Any election conducted for the unincorporated area
7 35 of ~~any~~ a county ~~voting on a local option sales and services~~



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~~8 1 tax pursuant to section 423B.1.~~
 8 2 Sec. 12. Section 49.79, Code 2007, is amended to read as
 8 3 follows:
 8 4 49.79 CHALLENGES.
 8 5 1. Any person offering to vote may be challenged as
 8 6 unqualified by any precinct election official or registered
 8 7 voter. It is the duty of each official to challenge any
 8 8 person offering to vote whom the official knows or suspects is
 8 9 not duly qualified. A ballot shall be received from a voter
 8 10 who is challenged, but only in accordance with section 49.81.
 8 11 2. A person may be challenged for any of the following
 8 12 reasons:
 8 13 a. The challenged person is not a citizen of the United
 8 14 States.
 8 15 b. The challenged person is less than eighteen years of
 8 16 age as of the date of the election at which the person is
 8 17 offering to vote.
 8 18 c. The challenged person is not a resident at the address
 8 19 where the person is registered. However, a person who is
 8 20 reporting a change of address at the polls on election day
 8 21 pursuant to section 48A.27, subsection 2, paragraph "a",
 8 22 subparagraph (3), shall not be challenged for this reason.
 8 23 d. The challenged person is not a resident of the precinct
 8 24 where the person is offering to vote.
 8 25 e. The challenged person has falsified information on the
 8 26 person's registration form or on the person's declaration of
 8 27 eligibility.
 8 28 f. The challenged person has been convicted of a felony,
 8 29 and the person's voting rights have not been restored.
 8 30 g. The challenged person has been adjudged by a court of
 8 31 law to be a person who is incompetent to vote and no
 8 32 subsequent proceeding has reversed that finding.
 8 33 Sec. 13. Section 50.16, Code 2007, is amended to read as
 8 34 follows:
 8 35 50.16 TALLY LIST OF BOARD.
 9 1 The tally list shall be prepared in writing by the election
 9 2 board giving, in legibly printed numerals, the total number of
 9 3 people who cast ballots in the precinct, the total number of
 9 4 ballots cast for each ~~officer~~ office, except those rejected,
 9 5 the name of each person voted for, and the number of votes
 9 6 given to each person for each different office. The tally
 9 7 list shall be signed by the precinct election officials, and
 9 8 be substantially as follows:
 9 9 At an election at in township, or in
 9 10 precinct of city or township, in county, state of
 9 11 Iowa, on the ... day of ~~A-D-~~ .., there were ... ballots
 9 12 cast for the office of of which
 9 13 (Candidate's name) had .. votes.
 9 14 (Candidate's name) had .. votes.
 9 15 (and in the same manner for any other officer).
 9 16 A true tally list:
 9 17 (Name) Election Board
 9 18 (Name) Members.
 9 19 (Name)
 9 20 Attest:
 9 21 (Name) Designated



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9 22 (Name) Tally Keepers.
9 23 Sec. 14. Section 50.25, subsection 7, Code 2007, is
9 24 amended by striking the subsection.
9 25 Sec. 15. Section 50.25, Code 2007, is amended by adding
9 26 the following new unnumbered paragraph:
9 27 NEW UNNUMBERED PARAGRAPH. The abstract of the votes for
9 28 each county office is not required to be made on a different
9 29 sheet.
9 30 Sec. 16. Section 52.25, unnumbered paragraph 2, Code 2007,
9 31 is amended to read as follows:
9 32 The entire convention question, amendment, or public
9 33 measure shall be printed and displayed prominently in at least
9 34 four places within the voting precinct, and inside each voting
9 35 booth, or on the left-hand side inside the curtain of each



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10 1 voting machine, the printing to be in conformity with the
10 2 provisions of chapter 49. The question, amendment, or
10 3 measure, and summaries thereof, shall be printed on the
10 4 special paper ballots or on the inserts used in the voting
10 5 machines. In no case shall the font size be less than ten
10 6 point type. The public measure shall be summarized by the
10 7 commissioner ~~and in the largest type possible printed on the~~
10 8 ~~special paper ballots or inserts used in the voting machines,~~
10 9 except that:
10 10 Sec. 17. Section 58.1, Code 2007, is amended to read as
10 11 follows:
10 12 58.1 NOTICE == GROUNDS.
10 13 The contestant for the office of governor ~~or lieutenant~~
10 14 ~~governor~~ shall, within thirty days after the proclamation of
10 15 the result of the election, deliver to the presiding officer
10 16 of each house of the general assembly a notice of intent to
10 17 contest, and a specification of the grounds of such contest,
10 18 as provided in chapter 62.
10 19 Sec. 18. Section 376.11, unnumbered paragraphs 1 and 2,
10 20 Code 2007, are amended to read as follows:
10 21 Write-in votes are permitted to be cast in all elections
10 22 for city offices. A person who receives a sufficient number
10 23 of write-in votes to be elected to a city office shall be
10 24 declared the winner of the election. If a person who was
10 25 elected by write-in votes chooses not to serve in that office
10 26 the person shall submit a resignation in writing to the city
10 27 clerk not later than five ~~o'clock~~ p.m. on the tenth day
10 28 following the canvass of the election. If a person who was
10 29 elected by write-in votes resigns at a later time, the office
10 30 shall be considered vacant at the end of the term and the
10 31 council shall fill the vacancy pursuant to the provisions of
10 32 section 372.13, subsection 2.
10 33 Except in cities where the council has chosen a runoff
10 34 election in lieu of a primary, following the resignation of a
10 35 person who was elected by write-in votes, the city clerk shall



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11 1 notify the person who received the next highest number of
11 2 votes cast for the office that the person may assume the
11 3 office. If the person accepts the position, the person shall
11 4 be considered the duly elected officer unless, within ten days
11 5 after the clerk has given notice, a petition requesting a
11 6 special election is filed by eligible electors of the city
11 7 equal in number to twenty-five percent of the number of
11 8 persons who voted for the office at the election. If the
11 9 person declines, the person shall do so in writing to the city
11 10 clerk within ten days and the office shall be considered
11 11 vacant at the end of the term. The vacancy shall be filled
11 12 pursuant to the provisions of section 372.13, subsection 2.
11 13 If the council chooses to appoint, the appointment may be made
11 14 before the end of the current term.

11 15 Sec. 19. EFFECTIVE AND APPLICABILITY DATES.

11 16 1. The section of this division of this Act amending
11 17 section 49.8, being deemed of immediate importance, takes
11 18 effect upon enactment and applies to elections held on or
11 19 after January 1, 2008.

11 20 2. The remainder of this division of this Act applies to
11 21 elections held on or after January 1, 2008.

11 22

DIVISION II

11 23

ABSENTEE VOTING

11 24 Sec. 20. Section 39A.4, subsection 1, paragraph c,
11 25 subparagraphs (10), (11), and (12), Code 2007, are amended to
11 26 read as follows:

11 27 (10) As an incumbent officeholder of, or a candidate for,
11 28 an office being voted for at the election in progress, serving
11 29 as a member of a challenging committee or observer under
11 30 section 49.104, subsection 2, 5, or 6, or section 53.23,
11 31 subsection 4.

11 32 (11) Returning a voted absentee ballot, by mail or in
11 33 person, to the commissioner's office and the person returning
11 34 the ballot is not the voter, an immediate family member
11 35 authorized by the voter to return the ballot, an absentee



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12 1 ballot courier, a special precinct election official
12 2 designated pursuant to section 53.22, subsection 1, or the
12 3 designee of a voter described in section 53.22, subsection 5.
12 4 (12) Making a false or untrue statement reporting that a
12 5 voted absentee ballot was returned to the commissioner's
12 6 office, by mail or in person, by a person other than the
12 7 voter, an immediate family member authorized by the voter to
12 8 return the ballot, an absentee ballot courier, a special
12 9 precinct election official designated pursuant to section
12 10 53.22, subsection 1, or the designee of a voter described in
12 11 section 53.22, subsection 5.

12 12 Sec. 21. Section 39A.5, subsection 1, paragraph b,
12 13 subparagraph (2), Code 2007, is amended to read as follows:
12 14 (2) ~~Neglecting or refusing to return an absentee ballot in~~
12 15 ~~violation of section 53.35, or violating~~ Violating any other
12 16 provision of chapter 53 for which another penalty is not
12 17 provided.

12 18 Sec. 22. Section 49.63, Code 2007, is amended to read as
12 19 follows:

12 20 49.63 TIME OF PRINTING == INSPECTION AND CORRECTION.

12 21 Ballots shall be printed and in the possession of the
12 22 commissioner in time to enable the commissioner to furnish
12 23 ballots to absent voters as provided by sections 53.8, 53.10,
12 24 and 53.11. The printed ballots shall be subject to the
12 25 inspection of candidates and their agents. If mistakes are
12 26 discovered, they shall be corrected without delay, in the
12 27 manner provided in this chapter.

12 28 Sec. 23. Section 53.2, subsections 1 and 4, Code 2007, are
12 29 amended to read as follows:

12 30 1. Any registered voter, under the circumstances specified
12 31 in section 53.1, may on any day, except election day, and not
12 32 more than seventy days prior to the date of the election,
12 33 apply in person for an absentee ballot at the commissioner's
12 34 office or at any location designated by the commissioner.
12 35 However, for those elections in which the commissioner directs



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13 1 the polls be opened at noon pursuant to section 49.73, a voter
13 2 may apply in person for an absentee ballot at the
13 3 commissioner's office from eight a.m. until eleven a.m. on
13 4 election day.

13 5 PARAGRAPH DIVIDED. A registered voter may make written
13 6 application to the commissioner for an absentee ballot. A
13 7 written application for an absentee ballot must be received by
13 8 the commissioner no later than five p.m. on the Friday before
13 9 the election. A written application for an absentee ballot
13 10 delivered to the commissioner and received by the commissioner
13 11 more than seventy days prior to the date of the election shall
13 12 be retained by the commissioner and processed in the same
13 13 manner as a written application received not more than seventy
13 14 days before the date of the election.

13 15 4. Each application shall contain the name and signature
13 16 of the registered voter, the registered voter's date of birth,
13 17 the address at which the voter is registered to vote, and the
13 18 name or date of the election for which the absentee ballot is
13 19 requested, and such other information as may be necessary to
13 20 determine the correct absentee ballot for the registered
13 21 voter. If insufficient information has been provided, the
13 22 commissioner shall, by the best means available, obtain the
13 23 additional necessary information.

13 24 Sec. 24. Section 53.7, subsection 1, Code 2007, is amended
13 25 to read as follows:

13 26 1. It shall be unlawful for any employee of the state or
13 27 any employee of a political subdivision to solicit any
13 28 application or request for application for an absentee ballot,
13 29 or to take an affidavit in connection with any absentee ballot
13 30 while the employee is on the employer's premises or otherwise
13 31 in the course of employment. However, any such employee may
13 32 take such affidavit in connection with an absentee ballot
13 33 which is cast by the registered voter in person in the office
13 34 where such employee is employed in accordance with section
13 35 53.10 or 53.11. This subsection shall not apply to any



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14 1 elected official.

14 2 Sec. 25. Section 53.8, subsection 2, Code 2007, is amended
14 3 to read as follows:

14 4 2. If an application is received so late that it is
14 5 unlikely that the absentee ballot can be returned in time to
14 6 be counted on election day, the commissioner shall enclose
14 7 with the absentee ballot a statement to that effect. The
14 8 statement shall also point out that it is possible for the
14 9 applicant, an immediate family member of the applicant, or the
14 10 applicant's designee if the absentee ballot is voted by a
14 11 voter described in section 53.22, subsection 5, to personally
14 12 deliver the completed absentee ballot to the office of the
14 13 commissioner at any time before the closing of the polls on
14 14 election day. The statement shall also point out that it is
14 15 possible for an absentee ballot courier to personally deliver
14 16 the completed absentee ballot to the office of the
14 17 commissioner within seventy-two hours of retrieving the
14 18 completed ballot or before the closing of the polls on
14 19 election day, whichever is earlier.

14 20 Sec. 26. Section 53.8, subsection 3, unnumbered paragraph
14 21 3, Code 2007, is amended to read as follows:

14 22 Nothing in this subsection nor in section 53.22 shall be
14 23 construed to prohibit a registered voter who is a hospital
14 24 patient or resident of a health care facility, or who
14 25 anticipates entering a hospital or health care facility before
14 26 the date of a forthcoming election, from casting an absentee
14 27 ballot in the manner prescribed by section 53.10 or 53.11.

14 28 Sec. 27. Section 53.17, subsection 1, paragraph a, Code
14 29 2007, is amended to read as follows:

14 30 a. (1) The sealed carrier envelope may be delivered by
14 31 the registered voter, by an immediate family member of the
14 32 voter, by the special precinct election officials designated
14 33 pursuant to section 53.22, subsection 1, or by the voter's
14 34 designee if the absentee ballot is voted by a voter described
14 35 in section 53.22, subsection 5, to the commissioner's office



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15 1 no later than the time the polls are closed on election day.

15 2 (2) If the sealed carrier envelope is delivered by an
15 3 immediate family member of the voter, the immediate family
15 4 member shall, upon delivery of the envelope to the
15 5 commissioner, complete a form provided by the commissioner
15 6 containing the following information:

15 7 (a) The immediate family member's name and address.

15 8 (b) The immediate family member's relationship to the
15 9 voter.

15 10 (c) The serial number on the sealed carrier envelope.

15 11 (d) An attestation stating that the immediate family
15 12 member was authorized by the voter to return the sealed
15 13 carrier envelope.

15 14 (e) The signature of the immediate family member.

15 15 Sec. 28. Section 53.22, subsection 1, paragraph a,
15 16 unnumbered paragraph 1, Code 2007, is amended to read as
15 17 follows:

15 18 A registered voter who has applied for an absentee ballot,
15 19 in a manner other than that prescribed by section 53.10 or
15 20 53.11, and who is a resident or patient in a health care
15 21 facility or hospital located in the county to which the
15 22 application has been submitted shall be delivered the
15 23 appropriate absentee ballot by two special precinct election
15 24 officers, one of whom shall be a member of each of the
15 25 political parties referred to in section 49.13, who shall be
15 26 appointed by the commissioner from the election board panel
15 27 for the special precinct established by section 53.20. The
15 28 special precinct election officers shall be sworn in the
15 29 manner provided by section 49.75 for election board members,
15 30 shall receive compensation as provided in section 49.20 and
15 31 shall perform their duties during the ten calendar days
15 32 preceding the election and on election day if all ballots
15 33 requested under section 53.8, subsection 3, have not
15 34 previously been delivered and returned.

15 35 Sec. 29. Section 53.23, subsection 3, unnumbered paragraph



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16 1 1, Code 2007, is amended to read as follows:

16 2 The commissioner shall set the convening time for the
16 3 board, allowing a reasonable amount of time to complete
16 4 counting all absentee ballots by ten p.m. on election day.
16 5 The commissioner may direct the board to meet on the day
16 6 before the election solely for the purpose of reviewing the
16 7 absentee voters' affidavits appearing on the sealed ballot
16 8 envelopes. If in the commissioner's judgment this procedure
16 9 is necessary due to the number of absentee ballots received,
16 10 the members of the board may open the sealed ballot envelopes
16 11 and remove the secrecy envelope containing the ballot, but
16 12 under no circumstances shall a secrecy envelope be opened
16 13 before the board convenes on election day. If the ballot
16 14 envelopes are opened before election day, two observers, one
16 15 appointed by each of the two political parties referred to in
16 16 section 49.13, subsection 2, shall witness the proceedings.
16 17 The observers shall be appointed by the county chairperson or,
16 18 if the county chairperson fails to make an appointment, by the
16 19 state chairperson. However, if either or both political
16 20 parties fail to appoint an observer, the commissioner may
16 21 continue with the proceedings.

16 22 Sec. 30. Section 53.31, unnumbered paragraph 1, Code 2007,
16 23 is amended to read as follows:

16 24 Any person qualified to vote at the election in progress
16 25 may challenge the qualifications of a person casting an
16 26 absentee ballot by submitting a written challenge to the
16 27 commissioner no later than five p.m. on the ~~day~~ Friday before
16 28 the election. It is the duty of the special precinct
16 29 officials to challenge the absentee ballot of any person whom
16 30 the official knows or suspects is not duly qualified.
16 31 Challenges by members of the special precinct election board
16 32 or observers present pursuant to section 53.23 may be made at
16 33 any time before the close of the polls on election day. The
16 34 challenge shall state the reasons for which the challenge is
16 35 being submitted and shall be signed by the challenger. When a



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17 1 challenge is received the absentee ballot shall be set aside
17 2 for consideration by the special precinct election board when
17 3 it meets as required by section 50.22.
17 4 Sec. 31. Section 53.37, Code 2007, is amended to read as
17 5 follows:
17 6 53.37 DEFINITIONS.
17 7 1. This division is intended to implement the federal
17 8 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. }
17 9 1973ff et seq.
17 10 2. The term "armed forces of the United States", as used
17 11 in this division, shall mean the army, navy, marine corps,
17 12 coast guard, and air force of the United States.
17 13 3. For the purpose of absentee voting only, there shall be
17 14 included in the term "armed forces of the United States" the
17 15 following:
17 16 ~~1.~~ a. Spouses and dependents of members of the armed
17 17 forces while in active service.
17 18 ~~2.~~ b. Members of the merchant marine of the United States
17 19 and their spouses and dependents.
17 20 ~~3.~~ c. Civilian employees of the United States in all
17 21 categories serving outside the territorial limits of the
17 22 several states of the United States and the District of
17 23 Columbia and their spouses and dependents when residing with
17 24 or accompanying them, whether or not the employee is subject
17 25 to the civil service laws and the Classification Act of 1949,
17 26 and whether or not paid from funds appropriated by the
17 27 Congress.
17 28 ~~4.~~ d. Members of religious groups or welfare agencies
17 29 assisting members of the armed forces, who are officially
17 30 attached to and serving with the armed forces, and their
17 31 spouses and dependents.
17 32 ~~5.~~ e. Citizens of the United States who do not fall under
17 33 any of the categories described in subsections 1 to 4, but who
17 34 are entitled to register and vote pursuant to section 48A.5,
17 35 subsection 4.



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18 1 4. For the purposes of this division, "qualified voter"
18 2 means a person who is included within the term "armed forces
18 3 of the United States" as described in this section, who would
18 4 be qualified to register to vote under section 48A.5,
18 5 subsection 2, except for residency, and who is not
18 6 disqualified from registering to vote and voting under section
18 7 48A.6.

18 8 Sec. 32. Section 53.38, Code 2007, is amended to read as
18 9 follows:

18 10 53.38 WHAT CONSTITUTES REGISTRATION.

18 11 Whenever a ballot is requested pursuant to section 53.39 or
18 12 53.45 on behalf of a voter in the armed forces of the United
18 13 States, the affidavit upon the ballot envelope of such voter,
18 14 if the voter is found to be an eligible elector of the county
18 15 to which the ballot is submitted, shall constitute a
18 16 sufficient registration under chapter 48A. A completed
18 17 federal postcard registration and federal absentee ballot
18 18 request form submitted by such eligible elector shall also
18 19 constitute a sufficient registration under chapter 48A. The
18 20 commissioner shall place the voter's name on the registration
18 21 record as a registered voter if it does not already appear
18 22 there. The identification requirements of section 48A.8 and
18 23 the verification requirements of section 48A.25A do not apply
18 24 to persons who register to vote under this division.

18 25 Sec. 33. Section 53.41, Code 2007, is amended to read as
18 26 follows:

18 27 53.41 RECORDS BY COMMISSIONER == EXCESS REQUESTS OR
18 28 BALLOTS.

18 29 1. The commissioner of each county shall establish and
18 30 maintain a record of all requests for ballots which are made,
18 31 and of all ballots transmitted, and the manner of transmittal,
18 32 from and received in the commissioner's office under the
18 33 provisions of this division.

18 34 2. If more than one request for absent voter's ballot for
18 35 a particular election is made to the commissioner before the
19 1 ballots are ready to mail by or on behalf of a voter in the
19 2 armed forces of the United States, the last request first
19 3 received shall be honored, except that if one of the requests
19 4 is made by the voter, and a request on the voter's behalf has
19 5 not been previously honored, the request of the voter shall be
19 6 honored in preference to a request made on the voter's behalf
19 7 by another.

19 8 3. Not more than one ballot shall be transmitted by the
19 9 commissioner to any voter for a particular election unless
19 10 after the ballot has been mailed the voter reports a change in
19 11 the address to which the ballot should be sent. A ballot
19 12 shall be mailed using a serial number that indicates that this
19 13 is a replacement sent to an updated address. The original
19 14 ballot shall be counted only if the replacement ballot does
19 15 not arrive. If the commissioner receives more than one absent
19 16 voter's ballot, provided for by this division, from or
19 17 purporting to be from any one voter for a particular election,
19 18 all of the ballots so received from or purporting to be from
19 19 such voter are void, and the commissioner shall not deliver
19 20 any of the ballots to the precinct election officials, but
19 21 shall retain them in the commissioner's office, and preserve



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19 22 them for the period and under the conditions provided for in
19 23 sections 50.12 through 50.15 and section 50.19.

19 24 Sec. 34. Section 53.49, Code 2007, is amended to read as
19 25 follows:

19 26 53.49 APPLICABLE TO ARMED FORCES AND OTHER CITIZENS.

19 27 The provisions of this division as to absent voting shall
19 28 apply only to absent voters in the armed forces of the United
19 29 States as defined for the purpose of absentee voting in
19 30 section 53.37. The provisions of sections 53.1 through ~~53.35~~
19 31 53.34 shall apply to all other voters not members of the armed
19 32 forces of the United States.

19 33 Sec. 35. Section 53.53, subsection 4, paragraph a, Code
19 34 2007, is amended to read as follows:

19 35 a. The ballot was submitted from within the United States,



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20 1 unless the voter is a member of the armed forces of the United
20 2 States as described in section 53.37, subsection 2, on active
20 3 duty, and away from the voter's county of residence for
20 4 purposes of serving on active duty.

20 5 Sec. 36. Section 53.53, subsection 4, paragraph b, Code
20 6 2007, is amended to read as follows:

20 7 b. The voter's application for a regular absentee ballot
20 8 was received by the commissioner less than ~~thirty~~ fourteen
20 9 days prior to the election.

20 10 Sec. 37. Section 53.35, Code 2007, is repealed.

20 11 Sec. 38. APPLICABILITY DATE. This division of this Act
20 12 applies to elections held on or after January 1, 2008.

20 13 DIVISION III

20 14 VOTER REGISTRATION

20 15 Sec. 39. Section 48A.2, Code 2007, is amended by adding
20 16 the following new subsection:

20 17 NEW SUBSECTION. 6. "Voter registration list" means a
20 18 compilation of voter registration records produced, upon
20 19 request, from the electronic voter registration file or by
20 20 viewing, upon request, the original, completed voter
20 21 registration applications and forms.

20 22 Sec. 40. Section 48A.5, subsection 2, paragraph c, Code
20 23 2007, is amended to read as follows:

20 24 c. Be at least eighteen years of age. Completed
20 25 registration forms shall be accepted from registrants who are
20 26 at least seventeen and a half years of age; however, the
20 27 registration shall not be effective until the registrant
20 28 reaches the age of eighteen. The commissioner of registration
20 29 shall ensure that the birth date shown on the registration
20 30 form is at least seventeen and one-half years earlier than the
20 31 date the registration is processed.

20 32 Sec. 41. Section 48A.11, subsection 8, Code 2007, is
20 33 amended to read as follows:

20 34 8. A voter registration application lacking the
20 35 registrant's name, sex, date of birth, ~~or~~ residence address or



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21 1 description, or signature shall not be processed. A voter
21 2 registration application lacking the registrant's Iowa
21 3 driver's license number, Iowa nonoperator's identification
21 4 card number, or the last four digits of the registrant's
21 5 social security number shall not be processed. A registrant
21 6 whose registration is not processed pursuant to this
21 7 subsection shall be notified pursuant to section 48A.26,
21 8 subsection 3. A registrant who does not have an Iowa driver's
21 9 license number, an Iowa nonoperator's identification number,
21 10 or a social security number and who notifies the registrar of
21 11 such shall be assigned a unique identifying number that shall
21 12 serve to identify the registrant for voter registration
21 13 purposes.

21 14 Sec. 42. Section 48A.25A, unnumbered paragraph 3, Code
21 15 2007, is amended to read as follows:

21 16 This section does not apply to persons described in section
21 17 53.37 who are entitled to register to vote and to vote
21 18 ~~pursuant to section 48A.5, subsection 4.~~

21 19 Sec. 43. APPLICABILITY DATE. This division of this Act
21 20 applies to elections held on or after January 1, 2008.

21 21 EXPLANATION

21 22 This bill amends Code provisions relating to elections,
21 23 voting, and voter registration.

21 24 Division I of the bill contains changes to general
21 25 provisions relating to the conduct of elections as follows:

21 26 Code section 2.27 is amended to remove a reference to fill
21 27 a vacancy in the office of lieutenant governor by election. A
21 28 vacancy in that office is filled by appointment by the
21 29 governor.

21 30 Code section 43.6 is amended to provide that if a vacancy
21 31 in a county office occurs more than 73 days before the primary
21 32 election, political party candidates to fill that office at
21 33 the general election shall be nominated at the primary
21 34 election.

21 35 Code sections 43.14 and 45.5, relating to the form of



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22 1 nomination papers filed for the primary election or filed by
22 2 persons nominated by petition, are amended to provide that a
22 3 signature line shall not be counted if the signer's address is
22 4 outside of the appropriate area or district. Code section
22 5 45.5 is further amended, along with Code section 45.6, to
22 6 clarify that a person signing a nomination petition must be a
22 7 resident of the appropriate ward, city, county, or district.
22 8 Code section 49.8 is amended to provide that precinct
22 9 boundaries drawn by a city council may be redrawn once during
22 10 the period beginning January 1 of the second year following
22 11 the federal decennial census and ending June 30 of the year
22 12 immediately following the year in which the next succeeding
22 13 federal decennial census is taken, if the county commissioner
22 14 of elections recommends that the change will result in a
22 15 substantial savings in election costs. This section of the
22 16 division is effective upon enactment and applies to elections
22 17 held on or after January 1, 2008.
22 18 Code section 49.14 is amended to remove the requirement
22 19 that a majority of the members of the original precinct
22 20 election board be present at the precinct polling place at all
22 21 times on election day. Code section 49.14 is also amended to
22 22 require that the chairperson of the precinct election board be
22 23 present at the precinct polling place at all times on election
22 24 day. Finally, the Code section is amended to require that a
22 25 substitute precinct election official be a member of the same
22 26 political party as the election official for whom the
22 27 substitution is made.
22 28 Code section 49.57 is amended to remove the requirement
22 29 that the names of candidates and political parties appear in
22 30 all capital letters on ballots. The section is also amended
22 31 to allow the names of political parties and nonparty political
22 32 organizations to be abbreviated on ballots if the
22 33 abbreviations are printed with the full name in the "Straight
22 34 Party" and "Other Political Party" areas of the ballot. The
22 35 Code section is also amended to require a minimum font size on



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23 1 ballots for constitutional convention questions,
23 2 constitutional amendments, and public measures. A
23 3 corresponding amendment is made to Code section 52.25.
23 4 Finally, Code section 49.57 is amended to provide that a
23 5 ballot shall be printed to contain the unique identification
23 6 number or name assigned by the commissioner to the ballot
23 7 style, rather than a designation of the ballot rotation.
23 8 Code section 49.73 is amended to provide that the polls may
23 9 open at noon, rather than 7 a.m., for any election conducted
23 10 for the unincorporated area of a county. Currently, the polls
23 11 may open at noon for an election in the unincorporated area of
23 12 the county only if it is an election on a local option sales
23 13 and services tax.
23 14 Code section 49.79 is amended to provide a specific list of
23 15 reasons that a person may be challenged as unqualified to
23 16 vote.
23 17 Code section 50.16, relating to preparation of tally lists,
23 18 is amended to make a technical correction changing "officer"
23 19 to "office" and is further amended to remove the A.D. (anno
23 20 domini) abbreviation from the space for the date on the tally
23 21 list.
23 22 Code section 50.25 is amended to provide that the abstract
23 23 of votes in the general election may be made on one sheet for
23 24 county offices, rather than a separate sheet for each county
23 25 office.
23 26 Code section 376.11, relating to write-in votes for city
23 27 offices, is amended to provide that if a person elected by
23 28 write-in votes at a regular city election chooses not to
23 29 serve, the person shall submit the person's resignation to the
23 30 city clerk by 5 p.m. on the tenth day following the canvass of
23 31 that election. Currently, the resignation is required by 5
23 32 p.m. on the day following the canvass of the election.
23 33 Code section 376.11 is also amended to establish a deadline
23 34 for filing a petition to request a special election if a
23 35 write-in candidate who wins a city election declines the



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24 1 office and the candidate receiving the next highest number of
24 2 votes is declared the winner. The deadline established for
24 3 filing the petition is within 10 days after the city clerk has
24 4 notified the candidate next declared the winner.

24 5 The division applies to elections held on or after January
24 6 1, 2008.

24 7 Division II of the bill makes changes to absentee voting as
24 8 follows:

24 9 Code section 39A.4 is amended to prohibit incumbent
24 10 officeholders and candidates seeking offices on the ballot
24 11 from serving as observers or challengers of the process of
24 12 counting absentee ballots. Candidates and officeholders are
24 13 currently prohibited from serving in this capacity at the
24 14 polls on election day.

24 15 Code sections 49.63, 53.7, and 53.22 are amended to include
24 16 voting absentee at the commissioner's office in provisions
24 17 relating to voting absentee by mail and voting absentee at a
24 18 satellite absentee voting station.

24 19 Code section 53.2 is amended to allow a voter to apply in
24 20 person at the commissioner's office for an absentee ballot
24 21 from 8 a.m. until 11 a.m. on the day of the election if it is
24 22 an election at which the commissioner has directed that the
24 23 polls shall open at noon. Currently, the county commissioner
24 24 of elections may direct that the polls be opened at noon for
24 25 any school district election, city elections in cities of
24 26 3,500 or less population, for cities above 3,500 population if
24 27 there is no contested election or public measure on the
24 28 ballot, any benefited district, and elections on local option
24 29 sales and services taxes in the unincorporated area of the
24 30 county.

24 31 Code section 53.2 is also amended to provide that an
24 32 application for an absentee ballot require the date of birth
24 33 of the registered voter who is applying for the absentee
24 34 ballot.

24 35 Code section 53.8 is amended to clarify that voters who



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25 1 expect to be patients or residents of health care facilities
25 2 or hospitals on election day are not prohibited from voting
25 3 absentee in person at the commissioner's office.

25 4 Code section 53.17 is amended to allow an immediate family
25 5 member of an absentee voter, if authorized by the voter, to
25 6 deliver the voted ballot to the commissioner's office.
25 7 Corresponding amendments are made to Code sections 39A.4 and
25 8 53.8.

25 9 Code section 53.23 is amended to provide that observers to
25 10 witness the proceedings when absentee ballot envelopes are
25 11 opened before election day shall be appointed by the county
25 12 chairperson of the political party or by the state
25 13 chairperson. The section is further amended to provide that
25 14 if observers are not appointed, the commissioner may proceed
25 15 with opening the ballot envelopes.

25 16 Code section 53.31 is amended to change the deadline for
25 17 filing a challenge to an absentee voter from 5 p.m. on the day
25 18 before the election to 5 p.m. on the Friday before the
25 19 election.

25 20 Code section 53.37, relating to military and overseas
25 21 voters, is amended to rewrite the definition of "armed forces
25 22 of the United States" for clarification purposes.

25 23 Code section 53.38 is amended to provide that military and
25 24 overseas voters are not subject to the requirement for persons
25 25 registering by mail to provide identification when voting nor
25 26 are they subject to the requirement that identification
25 27 numbers on absentee ballots be verified.

25 28 Code section 53.41 is amended to provide that if more than
25 29 one request is received by the commissioner for an absentee
25 30 ballot for a military or overseas voter, the last request
25 31 received shall be honored, except that the voter's request
25 32 shall take precedence over a request made by another person on
25 33 the voter's behalf. Code section 53.41 is also amended to
25 34 permit the mailing of a replacement absentee ballot to a
25 35 military or overseas voter who reports a change of address



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26 1 after a ballot has been mailed to the voter.
26 2 Code section 53.53 is amended to allow a member of the
26 3 armed forces to return an absentee ballot from within the
26 4 United States if the person is on active duty within the
26 5 United States. The Code section is also amended to change the
26 6 time period during which a voter submitting a federal write-in
26 7 ballot must also apply for a regular absentee ballot.
26 8 Currently, the deadline is more than 30 days before the
26 9 election. The bill changes the deadline to more than 14 days
26 10 before the election.
26 11 Code section 53.35, which makes it unlawful for a person to
26 12 fail to return an absentee ballot, is repealed. Corresponding
26 13 amendments are made to Code sections 39A.5 and 53.49.
26 14 Division II applies to elections held on or after January
26 15 1, 2008.
26 16 Division III of the bill makes the following changes
26 17 relating to voter registration:
26 18 Code section 48A.2 is amended to add a definition of "voter
26 19 registration list".
26 20 Code section 48A.5 is amended to require that the
26 21 commissioner of registration verify that the date of birth
26 22 indicated on a voter registration application form is at least
26 23 17 and one-half years earlier than the date the registration
26 24 is processed.
26 25 Code section 48A.11 is amended to provide that a voter
26 26 registration application form lacking the signature of the
26 27 registrant shall not be processed.
26 28 Code section 48A.25A is amended to specify that all
26 29 military and overseas voters are exempt from the
26 30 identification number verification requirements.
26 31 Division III applies to elections held on or after January
26 32 1, 2008.
26 33 LSB 2804SV 82
26 34 sc:nh/gg/14



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Senate File 433 - Introduced

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 163)

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

A BILL FOR

- 1 An Act relating to advance notification of the need to renew a
- 2 driver's license.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1443SV 82
- 5 dea/je/5



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1 1 Section 1. Section 321.196, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. a. Except as otherwise provided, a driver's license,
1 4 other than an instruction permit, chauffeur's instruction
1 5 permit, or commercial driver's instruction permit issued under
1 6 section 321.180, expires five years from the licensee's
1 7 birthday anniversary occurring in the year of issuance if the
1 8 licensee is between the ages of seventeen years eleven months
1 9 and seventy years on the date of issuance of the license. If
1 10 the licensee is under the age of seventeen years eleven months
1 11 or age seventy or over, the license is effective for a period
1 12 of two years from the licensee's birthday anniversary
1 13 occurring in the year of issuance. A licensee whose license
1 14 is restricted due to vision or other physical deficiencies may
1 15 be required to renew the license every two years. If a
1 16 licensee is a foreign national who is temporarily present in
1 17 this state, the license shall be issued only for the length of
1 18 time the foreign national is authorized to be present as
1 19 determined by the department, not to exceed two years.
1 20 b. On or about the first day of each month, the department
1 21 shall notify each licensee whose driver's license is due to
1 22 expire in the following month of the need to renew the license
1 23 and the period for renewal. The notice shall be mailed to the
1 24 most recent address of record provided by the licensee
1 25 pursuant to section 321.182, or the notice may be sent
1 26 electronically by prior arrangement with the licensee.
1 27 Failure to receive a renewal notice shall not affect the
1 28 expiration of a license or the requirements for renewal of an
1 29 expired license.

1 30 EXPLANATION
1 31 This bill requires the state department of transportation
1 32 to send a notice on or about the first day of each month to
1 33 each person whose driver's license will expire in the
1 34 following month. The notice shall be sent to the most recent
1 35 address of record for the licensee, or may be sent



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2 1 electronically by prior arrangement with the licensee. The
2 2 expiration of a license or the requirements for renewal are
2 3 not affected by the failure of a licensee to receive the
2 4 notice.
2 5 LSB 1443SV 82
2 6 dea:nh/je/5



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Senate File 434 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 198)
(COMPANION TO HF 57)

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

A BILL FOR

- 1 An Act to require a landlord to have good cause to terminate a
- 2 mobile home space rental agreement.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1679SV 82
- 5 av/cf/24



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1 1 Section 1. Section 562B.10, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. Rental agreements shall be for a term of one year
1 4 unless otherwise specified in the rental agreement. Rental
1 5 agreements shall be canceled by at least sixty days' written
1 6 notice given by either party. A notice to cancel under this
1 7 section initiated by the landlord shall be for good cause.
1 8 Good cause shall constitute a material noncompliance by the
1 9 tenant with the rental agreement, a violation of this chapter,
1 10 or a legitimate business reason. A landlord shall not cancel
1 11 a rental agreement solely for the purpose of making the
1 12 tenant's mobile home space available for another mobile home.

1 13 EXPLANATION

1 14 This bill provides that a landlord must have good cause
1 15 before terminating a mobile home space rental agreement.
1 16 "Good cause" is defined to mean a material noncompliance by
1 17 the tenant with the rental agreement, a violation of Code
1 18 chapter 562B, or a legitimate business reason.
1 19 LSB 1679SV 82
1 20 av:nh/cf/24



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Senate File 435 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 280)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to youth deer hunting licenses.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2536SV 82
- 4 av/je/5



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1 1 Section 1. Section 483A.8, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 7. A person who is issued a youth deer
1 4 hunting license and does not take a deer during the youth deer
1 5 hunting season may use the deer hunting license and unused tag
1 6 during any other firearm season that is established by the
1 7 commission to take a deer of either sex.

1 8 EXPLANATION

1 9 This bill allows a person who is issued a youth deer
1 10 hunting license for the youth deer hunting season and does not
1 11 take a deer, to use that license and the unused tag during any
1 12 other firearm season that is established by the natural
1 13 resource commission to take either an antlered or antlerless
1 14 deer.

1 15 Youth deer hunting licenses are available for issuance to
1 16 any resident who is not over 15 years old on the day the
1 17 license is obtained, to take a deer of either sex, pursuant to
1 18 571 IAC 106.10. The youth deer hunting season is a 16-day
1 19 period that ends on the first Sunday in October.

1 20 LSB 2536SV 82

1 21 av:nh/je/5



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Senate File 436 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1283)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act concerning the employment of unauthorized aliens and human
- 2 trafficking and providing penalties and other sanctions and an
- 3 appropriation.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2815SV 82
- 6 ec/je/5



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1 1 Section 1. NEW SECTION. 13.6A SPECIAL ASSISTANT == HUMAN
1 2 TRAFFICKING AND RELATED OFFENSES == EMPLOYMENT OF UNAUTHORIZED
1 3 ALIENS.

1 4 The attorney general shall appoint a special assistant
1 5 attorney general for claims who shall, under the direction of
1 6 the attorney general, investigate and prosecute all claims
1 7 relating to the crime of human trafficking and related
1 8 offenses pursuant to section 710A.2 and the employment of
1 9 unauthorized aliens pursuant to section 91F.2.

1 10 Sec. 2. NEW SECTION. 73A.22 STATE ASSISTANCE
1 11 RESTRICTIONS == PERSONS EMPLOYING UNAUTHORIZED ALIENS.

1 12 1. a. For purposes of this section, "developmental
1 13 assistance" means any form of public assistance, including tax
1 14 expenditures, made for the purpose of stimulating the economic
1 15 development of a corporation, industry, geographic
1 16 jurisdiction, or any other sector of the state's economy,
1 17 including but not limited to industrial development bonds,
1 18 training grants, loans, loan guarantees, enterprise zones,
1 19 empowerment zones, tax increment financing, fee waivers, land
1 20 price subsidies, infrastructure constructed or improved for
1 21 the benefit of a single business or defined group of
1 22 businesses at the time it is built or improved, matching
1 23 funds, tax abatements, tax credits and tax discounts of every
1 24 kind, including corporate, franchise, personal income, sales
1 25 and use, raw materials, real property, job creation,
1 26 individual investment, excise, utility, inventory, accelerated
1 27 depreciation, and research and development tax credits and
1 28 discounts.

1 29 b. A state department, institution, or agency, or any
1 30 board member, commissioner, director, manager, or other person
1 31 connected with any such department, institution, or agency,
1 32 shall not award a contract or provide developmental assistance
1 33 to an employer as defined in section 91F.1 in which the
1 34 employer or corporate officer of the employer has been found
1 35 in violation of section 91F.2 within the past five years.



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2 1 2. Any contract or developmental assistance awarded shall
2 2 provide that if, during the effective period of the contract
2 3 or developmental assistance, the vendor, contractor,
2 4 subcontractor, or developmental assistance recipient violates
2 5 the provisions of section 91F.2, the contract or developmental
2 6 assistance shall be terminated.

2 7 3. A state department, institution, or agency may enforce
2 8 its rights under this section by instituting a civil action in
2 9 district court in this state. In addition, a state
2 10 department, institution, or agency shall not award a contract
2 11 or provide developmental assistance to any person that
2 12 violates this section for a period of five years after the
2 13 date of the violation.

2 14 Sec. 3. NEW SECTION. 91F.1 DEFINITIONS.

2 15 As used in this chapter:

2 16 1. "Commissioner" means the labor commissioner.

2 17 2. "Employee" means a natural person who is employed in
2 18 this state for wages paid on an hourly basis by an employer.

2 19 3. "Employer" means a person, as defined in section 4.1,
2 20 who in this state employs for wages, paid on an hourly basis,
2 21 one or more natural persons. An employer does not include a
2 22 client, patient, customer, or other person who obtains
2 23 professional services from a licensed person who provides the
2 24 services on a fee service basis or as an independent
2 25 contractor, or the state, or an agency or governmental
2 26 subdivision of the state.

2 27 4. "Unauthorized alien" means a person who is not a
2 28 citizen or legal resident and who has not been lawfully
2 29 admitted to the United States for permanent residence or who
2 30 is not authorized to work in the United States.

2 31 Sec. 4. NEW SECTION. 91F.2 UNAUTHORIZED ALIENS ==
2 32 EMPLOYER PROHIBITION.

2 33 An employer shall not knowingly employ as an employee an
2 34 unauthorized alien. For purposes of this section, "knowingly
2 35 employ as an employee an unauthorized alien" includes cases in



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3 1 which an employer actually knows a person is an unauthorized
3 2 alien and cases in which any person exercising reasonable care
3 3 should know from facts and circumstances that a person is an
3 4 unauthorized alien.

3 5 Sec. 5. NEW SECTION. 91F.3 PENALTIES.

3 6 1. An employer who violates section 91F.2 is subject to a
3 7 civil penalty of up to one thousand dollars.

3 8 2. A corporate officer of an employer who, through
3 9 repeated violation of section 91F.2, demonstrates a pattern of
3 10 employing unauthorized aliens commits a serious misdemeanor.

3 11 3. An employer who, through repeated violation of section
3 12 91F.2, demonstrates a pattern of employing unauthorized aliens
3 13 may be ordered to pay punitive damages.

3 14 Sec. 6. NEW SECTION. 91F.4 DUTIES AND AUTHORITY OF THE
3 15 COMMISSIONER == ENFORCEMENT BY ATTORNEY GENERAL.

3 16 1. The commissioner shall adopt rules to administer and
3 17 enforce this chapter.

3 18 2. In order to carry out the purposes of this chapter, the
3 19 commissioner or the commissioner's representative, upon
3 20 presenting appropriate credentials to an employer's owner,
3 21 operator, or agent in charge, may:

3 22 a. Inspect employment records relating to the employees of
3 23 the employer.

3 24 b. Interview an employer, owner, operator, agent, or
3 25 employee, during working hours or at other reasonable times.

3 26 3. If the commissioner has reason to believe than an
3 27 employer may be in violation of this chapter, the commissioner
3 28 shall notify the attorney general, and provide the attorney
3 29 general with any supporting information, for prosecution of
3 30 the violation by the attorney general.

3 31 Sec. 7. NEW SECTION. 91F.5 PROHIBITIONS RELATING TO
3 32 CERTAIN ACTIONS BY EMPLOYEES == PENALTY == CIVIL REMEDY.

3 33 1. An employer shall not discharge an employee or take or
3 34 fail to take action regarding an employee's appointment or
3 35 proposed appointment or promotion or proposed promotion, or



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4 1 regarding any advantage of an employee as a reprisal for a
4 2 failure by that employee to inform the employer that the
4 3 employee made a disclosure of information to any law
4 4 enforcement agency if the employee reasonably believes the
4 5 information evidences a violation of section 91F.2 or 710A.2.

4 6 2. Subsection 1 does not apply if the disclosure of the
4 7 information is prohibited by statute.

4 8 3. An employer who violates subsection 1 commits a simple
4 9 misdemeanor.

4 10 4. Subsection 1 may be enforced through a civil action.

4 11 a. An employer who violates subsection 1 is liable to an
4 12 aggrieved employee for affirmative relief, including
4 13 reinstatement, with or without back pay, or any other
4 14 equitable relief the court deems appropriate, including
4 15 attorney fees and costs.

4 16 b. If an employer commits, is committing, or proposes to
4 17 commit an act in violation of subsection 1, an injunction may
4 18 be granted through an action in district court to prohibit the
4 19 person from continuing such acts. The action for injunctive
4 20 relief may be brought by an aggrieved employee or the attorney
4 21 general.

4 22 Sec. 8. DEPARTMENT OF JUSTICE == HUMAN TRAFFICKING CRIMES
4 23 AND RELATED OFFENSES == INVESTIGATION AND PROSECUTION. There
4 24 is appropriated from the general fund to the department of
4 25 justice for the fiscal year beginning July 1, 2007, and ending
4 26 June 30, 2008, the following amount, or so much as is
4 27 necessary, to be used for the purposes designated:

4 28 For the investigation and prosecution of human trafficking
4 29 crimes and related offenses pursuant to section 710A.2, and
4 30 the employment of unauthorized aliens pursuant to section
4 31 91F.2:

4 32 \$ 100,000

4 33 Notwithstanding section 8.33, moneys appropriated in this
4 34 section that remain unencumbered or unobligated at the close
4 35 of the fiscal year shall not revert but shall remain available



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5 1 for expenditure for the purposes designated until the close of
5 2 the succeeding fiscal year.

5 3 EXPLANATION

5 4 This bill relates to employment of unauthorized aliens and
5 5 enforcement of human trafficking offenses and related offenses
5 6 and provides penalties.

5 7 New Code section 73A.22 is created to prohibit state
5 8 entities from awarding a contract or providing developmental
5 9 assistance to a person who violates the provisions of the bill
5 10 concerning the employment of unauthorized aliens as
5 11 established in new Code section 91F.2. The bill defines
5 12 "developmental assistance" as any form of public assistance,
5 13 including tax incentives, grants, or other subsidies. The
5 14 bill provides that a person violating this new provision shall
5 15 have their contract or developmental assistance terminated.
5 16 The bill grants state entities the right to enforce their
5 17 rights in district court and provides that a person violating
5 18 this provision shall be prohibited from receiving a state
5 19 contract or developmental assistance for five years.

5 20 The bill creates new Code chapter 91F prohibiting employers
5 21 from employing unauthorized aliens. The bill defines
5 22 "unauthorized alien" as any person who is not a citizen or
5 23 legal resident and who has not been lawfully admitted to the
5 24 United States for permanent residence or who is not authorized
5 25 to work in the United States. An "employer" is any person who
5 26 employs for wages, paid on an hourly basis, one or more
5 27 natural persons, other than the state or governmental
5 28 subdivisions of the state. The bill prohibits employers from
5 29 knowingly employing an unauthorized alien. The bill provides
5 30 that a violation can occur in cases in which an employer
5 31 actually knows a person is an unauthorized alien as well as a
5 32 situation in which any person exercising reasonable care
5 33 should know from facts and circumstances that a person is an
5 34 unauthorized alien. The bill provides that a violation of
5 35 this chapter is subject to a civil penalty of \$1,000 and a



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6 1 corporate officer of an employer who, through repeated
6 2 violations of the chapter, demonstrates a pattern of employing
6 3 unauthorized aliens, commits a serious misdemeanor. An
6 4 employer who demonstrates a pattern of employing unauthorized
6 5 aliens may be ordered to pay punitive damages. The bill
6 6 further authorizes the labor commissioner within the
6 7 department of workforce development to adopt rules to
6 8 administer and enforce this new chapter and grants the
6 9 commissioner the authority to investigate employer records and
6 10 to interview employees. The bill provides that the
6 11 commissioner shall forward any suspected violations of this
6 12 chapter to the attorney general for prosecution. The bill
6 13 further provides that an employer shall not discharge an
6 14 employee from or take or fail to take action regarding an
6 15 employee's appointment or proposed appointment, promotion or
6 16 proposed promotion, or regarding any advantage of an employee
6 17 as a reprisal for a failure by that employee to inform the
6 18 employer that the employee made a disclosure of information to
6 19 any law enforcement agency if the employee reasonably believes
6 20 the information evidences a violation of Code section 91F.2 or
6 21 710A.2. An employer who violates the provisions of this
6 22 chapter is liable to an aggrieved employee for affirmative
6 23 relief including reinstatement, with or without back pay, or
6 24 any other equitable relief the court deems appropriate,
6 25 including attorney fees and costs. In addition, an action for
6 26 injunctive relief may be brought by an aggrieved employee or
6 27 the attorney general.

6 28 The bill authorizes the attorney general to appoint a
6 29 special assistant attorney general who shall, under the
6 30 direction of the attorney general, investigate and prosecute
6 31 all claims relating to the crime of human trafficking and
6 32 related offenses and the employment of unauthorized aliens and
6 33 appropriates up to \$100,000 from the state general fund to the
6 34 department of justice for the fiscal year beginning July 1,
6 35 2007, and ending June 30, 2008, to be used by the department



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Senate File 436 - Introduced continued

7 1 of justice for such purposes. Notwithstanding Code section
7 2 8.33, appropriated moneys that remain unencumbered or
7 3 unobligated at the close of the fiscal year do not revert but
7 4 remain available for expenditure for the purposes designated
7 5 until the close of the succeeding fiscal year.
7 6 LSB 2815SV 82
7 7 ec:rj/je/5



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Senate File 437 - Introduced

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 371)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act providing for the placement of highway signs honoring
- 2 members of the state patrol killed in the line of duty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2306SV 82
- 5 dea/es/88



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Senate File 437 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 314.29 SIGNAGE HONORING HIGHWAY
1 2 PATROL MEMBERS.

1 3 The department, in consultation with the state patrol,
1 4 shall erect and maintain appropriate signs along primary
1 5 highways designating certain segments as memorials to
1 6 individual members of the state patrol killed in the line of
1 7 duty, provided that sufficient funds are available for the
1 8 purpose. The department may use any combination of public or
1 9 private moneys available and not otherwise restricted to pay
1 10 the costs of providing the memorial designations.

1 11 EXPLANATION

1 12 This bill requires the department of transportation, in
1 13 consultation with the state patrol, to furnish signs along
1 14 primary highways designating certain segments as memorials to
1 15 members of the state patrol killed in the line of duty. The
1 16 requirement is contingent on the availability of funds, and
1 17 the department is authorized to use any combination of public
1 18 or private moneys not otherwise restricted to pay for the
1 19 signage.

1 20 LSB 2306SV 82

1 21 dea:nh/es/88



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Senate File 438 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 296)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a local government energy innovation
- 2 competitive grant program, and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2600SV 82
- 5 rn/gg/14



Iowa General Assembly
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Senate File 438 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 473.21 LOCAL GOVERNMENT ENERGY
1 2 INNOVATION COMPETITIVE GRANT PROGRAM == FUND.
1 3 1. The Iowa energy center created under section 266.39C
1 4 shall establish and administer a local government energy
1 5 innovation competitive grant program. The objective of the
1 6 grant program shall be to assist political subdivisions of the
1 7 state in the development and implementation of innovative
1 8 transportation, conservation, or energy efficiency programs
1 9 involving the utilization of alternative or renewable energy
1 10 generation sources; ethanol, biodiesel, and other alternative
1 11 fuels; and energy efficient building construction and
1 12 rehabilitation standards. For purposes of this section,
1 13 "political subdivision" means any municipality, township,
1 14 county, district, or authority, or any portion, or combination
1 15 of two or more, thereof.
1 16 2. A local government energy innovation competitive grant
1 17 fund is created in the office of the treasurer of state to be
1 18 administered by the Iowa energy center. The fund shall
1 19 include moneys appropriated or otherwise directed to the fund.
1 20 Section 8.33 shall not apply to the moneys in the fund.
1 21 3. A political subdivision may apply to the Iowa energy
1 22 center for a grant under this section by filing a completed
1 23 application as directed by the Iowa energy center that
1 24 includes plans for utilization of the funding received and an
1 25 estimate of the energy efficiency savings to be achieved. The
1 26 Iowa energy center shall develop grant approval criteria by
1 27 rule. The criteria shall include the following:
1 28 a. Projected reduction in energy usage.
1 29 b. Projected energy savings.
1 30 c. Availability of private and local matching funds.
1 31 d. Additional social or environmental benefits to be
1 32 derived through implementation of energy efficiency or
1 33 reduction measures.
1 34 e. Whether the program can be duplicated by other
1 35 political subdivisions.



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Senate File 438 - Introduced continued

2 1 4. Grant recipients shall be required to submit a report
2 2 to the Iowa energy center regarding utilization of the funding
2 3 received and the impact and results of the program developed
2 4 and implemented within one year from a grant award.

2 5 Sec. 2. NEW SECTION. 473.22 LOCAL GOVERNMENT ENERGY
2 6 INNOVATION COMPETITIVE GRANTS == APPROPRIATION.

2 7 There is annually appropriated from the general fund of the
2 8 state to the local government energy innovation competitive
2 9 grant fund the sum of one million dollars to be used for the
2 10 local government energy innovation competitive grant program
2 11 established in section 473.21. The Iowa energy center may
2 12 retain up to two percent of the annual appropriation for costs
2 13 of administering the program.

2 14 EXPLANATION

2 15 This bill establishes a local government energy innovation
2 16 competitive grant program to be administered by the Iowa
2 17 energy center created under Code section 266.39C. The purpose
2 18 of the program shall be to assist political subdivisions of
2 19 the state in the development and implementation of innovative
2 20 transportation, conservation, or energy efficiency programs
2 21 involving the utilization of alternative or renewable energy
2 22 generation sources; ethanol, biodiesel, and other alternative
2 23 fuels; and energy efficient building construction and
2 24 rehabilitation standards. The bill defines a "political
2 25 subdivision" as any municipality, township, county, district,
2 26 or authority, or any portion, or combination of two or more,
2 27 thereof.

2 28 The bill provides that applicants shall provide information
2 29 including plans for utilization of the funding received and an
2 30 estimate of the energy efficiency savings to be achieved.
2 31 Grant approval criteria, to be developed by the Iowa energy
2 32 center by rule, shall include projected reduction in energy
2 33 usage or savings, availability of matching funds, anticipated
2 34 additional social or environmental benefits, and whether the
2 35 program can be duplicated by other political subdivisions.



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Senate File 438 - Introduced continued

3 1 The bill requires grant recipients to submit a report to the
3 2 Iowa energy center regarding utilization of the funding
3 3 received and the impact and results of the program within one
3 4 year from a grant award.
3 5 The bill appropriates \$1 million annually for purposes of
3 6 the program, and provides that the Iowa energy center shall be
3 7 authorized to retain up to 2 percent of the appropriation for
3 8 costs of administering the program.
3 9 LSB 2600SV 82
3 10 rn:nh/gg/14



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Senate File 439 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1222)

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

A BILL FOR

1 An Act relating to and making an appropriation for the office of
2 substitute decision maker under the department of elder
3 affairs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2472SV 82
6 pf/es/88



**Iowa General Assembly
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Senate File 439 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == DEPARTMENT OF ELDER AFFAIRS ==
 1 2 OFFICE OF SUBSTITUTE DECISION MAKER. There is appropriated
 1 3 from the general fund of the state to the department of elder
 1 4 affairs for the fiscal year beginning July 1, 2007, and ending
 1 5 June 30, 2008, the following amount, or so much thereof as is
 1 6 necessary, to be used for the purpose designated:

1 7 For the state office of substitute decision maker
 1 8 established pursuant to chapter 231E:
 1 9 \$ 635,126

1 10 EXPLANATION

1 11 This bill makes an appropriation from the general fund of
 1 12 the state to the department of elder affairs for the office of
 1 13 substitute decision maker. The office was established in 2005
 1 14 Iowa Acts, chapter 175, within the department of elder affairs
 1 15 to create and administer a statewide network of substitute
 1 16 decision makers who provide substitute decision-making
 1 17 services if other substitute decision makers are not available
 1 18 to provide the services. Substitute decision makers include
 1 19 guardians, conservators, representative payees, attorneys in
 1 20 fact under a power of attorney, and personal representatives.
 1 21 Implementation of the office was made contingent upon
 1 22 availability of funding as determined by the department of
 1 23 elder affairs.

1 24 LSB 2472SV 82
 1 25 pf:nh/es/88



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Senate File 440 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 1236)

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

A BILL FOR

- 1 An Act modifying water service requirements for rural water
- 2 providers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1992SV 82
- 5 eg/gg/14



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Senate File 440 - Introduced continued

PAG LIN

1 1 Section 1. Section 357A.2, unnumbered paragraphs 4 and 5,
1 2 Code 2007, are amended to read as follows:

1 3 Water services, other than water services provided as of
1 4 April 1, 1987, shall not be provided within two miles of the
1 5 limits of a city by a rural water district incorporated under
1 6 this chapter or chapter 504 except as provided in this
1 7 section. Water services, other than water services provided
1 8 as of July 1, 2007, shall not be provided within two miles of
1 9 the limits of a city by a rural water district or association
1 10 incorporated under this chapter or chapter 504, except as
1 11 provided in this section.

1 12 A rural water district or association incorporated under
1 13 this chapter or chapter 504 may give notice of intent to
1 14 provide water service to a new area within two miles of a city
1 15 by submitting a water plan to the city. The plan is only
1 16 required to indicate the area within two miles of the city
1 17 which the rural water district or association intends to
1 18 serve. If the city fails to respond to the rural water
1 19 district's or association's plan within ninety days of receipt
1 20 of the plan, the rural water district or association may
1 21 provide service in the area designated in the plan. The city
1 22 may inform the rural water district or association within
1 23 ninety days of receipt of the plan that the city requires
1 24 additional time or information to study the question of
1 25 providing water service outside the limits of the city. If
1 26 additional time or information is required, the city shall
1 27 respond to the rural water district's or association's plan
1 28 within one hundred eighty days of receipt of the plan. In
1 29 responding to the plan, the city may waive its right to
1 30 provide water service within the areas designated for service
1 31 by the rural water district or association, or the city may
1 32 reserve the right to provide water service in some or all of
1 33 the areas which the rural water district or association
1 34 intends to serve. If the city reserves the right to provide
1 35 water service within some or all of the areas which the rural



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Senate File 440 - Introduced continued

2 1 water district or association intends to serve, the city shall
2 2 provide service within four years of receipt of the plan.
2 3 This section does not preclude a city from providing water
2 4 service in an area which is annexed by the city.

2 5 EXPLANATION

2 6 This bill amends Code section 357A.2 that restricts both a
2 7 rural water district and a rural water association from
2 8 providing water service within two miles of a city. A rural
2 9 water district or a rural water association that intends to
2 10 provide such water service is required to notify the city
2 11 council or the city's utility board.

2 12 The bill identifies both rural water districts and rural
2 13 water associations. A rural water association is not a
2 14 "district", i.e., organized under Code chapter 357A. See
2 15 Rural Water System #1 v. City of Sioux Center, Iowa, 202 F.3d
2 16 1035 (8th Cir. 2000).

2 17 LSB 1992SV 82

2 18 eg:rj/gg/14



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Senate File 441 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1295)

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

A BILL FOR

- 1 An Act relating to elimination of certain duties of the
- 2 department of elder affairs and the area agencies on aging.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2471SV 82
- 5 pf/es/88



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Senate File 441 - Introduced continued

PAG LIN

1 1 Section 1. Section 231.23, subsections 14 and 15, Code
1 2 2007, are amended by striking the subsections.
1 3 Sec. 2. Section 231.33, subsection 20, Code 2007, is
1 4 amended by striking the subsection.

1 5 EXPLANATION

1 6 This bill eliminates as duties of the department of elder
1 7 affairs the establishing of a procedure for an area agency on
1 8 aging to use in selection of members of the agency's board of
1 9 directors, including a nomination process, to be incorporated
1 10 into the bylaws of the area agency on aging, and the providing
1 11 of oversight to ensure that the composition of the area agency
1 12 on aging board of directors complies with the rules. The bill
1 13 also eliminates the duty of the boards of directors of area
1 14 agencies on aging to incorporate the selection and nomination
1 15 process into their bylaws.

1 16 LSB 2471SV 82

1 17 pf:nh/es/88



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Senate File 442 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1175)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

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



Iowa General Assembly
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Senate File 442 - Introduced continued

PAG LIN

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



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

2 8 EXPLANATION

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

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

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



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



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Senate File 443 - Introduced

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 289)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to special motor vehicle registration plates
- 2 associated with military service, providing for special gold
- 3 star plates and distinguished service cross, navy cross, air
- 4 force cross, soldier's medal, sailor's medal, and airman's
- 5 medal special plates, establishing fees, and crediting fees
- 6 from the sale of certain special plates to the veterans
- 7 license fee fund.
- 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 9 TL5B 2144SV 82
- 10 dea/je/5



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PAG LIN

1 1 Section 1. Section 35A.11, Code 2007, is amended to read
1 2 as follows:
1 3 35A.11 VETERANS LICENSE FEE FUND.
1 4 A veterans license fee fund is created in the state
1 5 treasury under the control of the commission. ~~The fund shall~~
~~1 6 include the fees credited by the treasurer of state from the~~
~~1 7 sale of special veteran license plates pursuant to section~~
~~1 8 321.34, subsection 13, paragraph "d".~~ Notwithstanding section
1 9 12C.7, interest or earnings on moneys in the veterans license
1 10 fee fund shall be credited to the veterans license fee fund.
1 11 Moneys in the fund are appropriated to the commission to be
1 12 used to fulfill the responsibilities of the commission. The
1 13 fund shall include the fees credited by the treasurer of state
1 14 from the sale of the following special motor vehicle
1 15 registration plates:
1 16 1. Veteran special plates issued pursuant to section
1 17 321.34, subsection 13, paragraph "d".
1 18 1A. Legion of merit special plates issued on or after the
1 19 effective date of this Act pursuant to section 321.34,
1 20 subsection 15.
1 21 2. National guard special plates issued pursuant to
1 22 section 321.34, subsection 16.
1 23 3. Pearl Harbor special plates issued pursuant to section
1 24 321.34, subsection 17.
1 25 4. Purple heart special plates issued pursuant to section
1 26 321.34, subsection 18.
1 27 5. United States armed forces retired special plates
1 28 issued pursuant to section 321.34, subsection 19.
1 29 6. Silver star and bronze star special plates issued
1 30 pursuant to section 321.34, subsection 20.
1 31 7. Distinguished service cross, navy cross, and air force
1 32 cross special plates issued pursuant to section 321.34,
1 33 subsection 20A.
1 34 8. Soldier's medal, sailor's medal, and airman's medal
1 35 special plates issued pursuant to section 321.34, subsection



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2 1 20B.

2 2 Sec. 2. Section 321.34, subsection 8, Code 2007, is
2 3 amended to read as follows:

2 4 8. ~~CONGRESSIONAL~~ MEDAL OF HONOR PLATES. The owner of a
2 5 motor vehicle subject to registration under section 321.109,
2 6 subsection 1, motorcycle, trailer, or motor truck who has been
2 7 awarded the ~~congressional~~ medal of honor may, upon written
2 8 application to the department, order special registration
2 9 plates which shall be red, white, and blue in color and shall
2 10 bear an emblem of the ~~congressional~~ medal of honor and an
2 11 identifying number. Each applicant applying for special
2 12 registration plates under this subsection may purchase only
2 13 one set of registration plates under this subsection. The
2 14 application is subject to approval by the department and the
2 15 special registration plates shall be issued to the applicant
2 16 in exchange for the registration plates previously issued to
2 17 the person. The special plates are subject to an annual
2 18 registration fee of fifteen dollars. The department shall
2 19 validate the special plates in the same manner as regular
2 20 registration plates are validated under this section. The
2 21 department shall not issue special registration plates until
2 22 service organizations in the state have furnished the
2 23 department either the special dies or the cost of the special
2 24 dies necessary for the manufacture of the special registration
2 25 plate.

2 26 The surviving spouse of a person who was issued special
2 27 plates under this subsection may continue to use the special
2 28 plates subject to registration of the special plates in the
2 29 surviving spouse's name and upon payment of the fifteen dollar
2 30 annual registration fee. If the surviving spouse remarries,
2 31 the surviving spouse shall return the special plates to the
2 32 department and the department shall issue regular registration
2 33 plates to the surviving spouse.

2 34 Sec. 3. Section 321.34, subsection 12A, paragraph a, Code
2 35 2007, is amended to read as follows:



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3 1 a. The owner is eligible for, but has relinquished to the
3 2 department or the county treasurer or has not been issued,
3 3 ~~congressional~~ medal of honor, ex-prisoner of war, or legion of
3 4 merit special registration plates under this section, or
3 5 disabled veteran registration plates under section 321.105.
3 6 Sec. 4. Section 321.34, subsections 15, 16, 17, 18, 19,
3 7 and 20, Code 2007, are amended to read as follows:
3 8 15. LEGION OF MERIT SPECIAL PLATES. The owner of a motor
3 9 vehicle ~~subject to registration under section 321.109,~~
~~3 10 subsection 1, motorcycle, trailer, or motor truck, referred to~~
3 11 in subsection 12 who has been awarded the legion of merit may,
3 12 upon written application to the department and presentation of
3 13 satisfactory proof of the award of the legion of merit as
3 14 established by the Congress of the United States, order
3 15 special registration plates with a legion of merit processed
3 16 emblem. The emblem shall be designed by the department in
3 17 cooperation with the adjutant general and shall signify that
3 18 the owner was awarded the legion of merit. The application is
3 19 subject to approval by the department, in consultation with
3 20 the adjutant general. ~~The special plates shall be issued at~~
~~3 21 no charge and are subject to an annual registration fee of~~
~~3 22 fifteen dollars. The county treasurer shall validate the~~
~~3 23 special plates in the same manner as regular registration~~
~~3 24 plates are validated under this section. The special plate~~
3 25 fees collected by the director under subsection 12, paragraph
3 26 "a", from the issuance and annual validation of letter-number
3 27 designated and personalized legion of merit plates issued on
3 28 or after the effective date of this Act shall be paid monthly
3 29 to the treasurer of state and credited to the road use tax
3 30 fund. Notwithstanding section 423.43, and prior to the
3 31 crediting of revenues to the road use tax fund under section
3 32 423.43, subsection 1, paragraph "b", the treasurer of state
3 33 shall transfer monthly from those revenues to the veterans
3 34 license fee fund created in section 35A.11 the amount of the
3 35 special fees collected in the previous month for legion of



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4 1 merit plates.

4 2 Special legion of merit plates issued prior to the

4 3 effective date of this Act are subject to an annual

4 4 registration fee of fifteen dollars and shall be validated by

4 5 the county treasurer in the same manner as regular

4 6 registration plates are validated under this section. The

4 7 surviving spouse of a person who was issued special plates

4 8 under this subsection prior to the effective date of this Act

4 9 may continue to use ~~or apply for and use~~ the special plates

4 10 subject to registration of the special plates in the surviving

4 11 spouse's name and upon payment of the annual fifteen dollar

4 12 registration fee. If the surviving spouse remarries, the

4 13 surviving spouse shall return the special plates to the

4 14 department and the department shall issue regular registration

4 15 plates to the surviving spouse.

4 16 16. NATIONAL GUARD SPECIAL PLATES. An owner referred to

4 17 in subsection 12 who is a member of the national guard, as

4 18 defined in chapter 29A, may, upon written application to the

4 19 department, order special registration plates with a national

4 20 guard processed emblem with the emblem designed by the

4 21 department in cooperation with the adjutant general which

4 22 emblem signifies that the applicant is a member of the

4 23 national guard. The application shall be approved by the

4 24 department in consultation with the adjutant general. The

4 25 special plate fees collected by the director under subsection

4 26 12, paragraph "a", from the issuance and annual validation of

4 27 letter=number designated and personalized national guard

4 28 plates shall be paid monthly to the treasurer of state and

4 29 credited to the road use tax fund. Notwithstanding section

4 30 423.43, and prior to the crediting of revenues to the road use

4 31 tax fund under section 423.43, subsection 1, paragraph "b",

4 32 the treasurer of state shall transfer monthly from those

4 33 revenues to the veterans license fee fund created in section

4 34 35A.11 the amount of the special fees collected in the

4 35 previous month for national guard plates. Special



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Senate File 443 - Introduced continued

5 1 registration plates with a national guard processed emblem
5 2 shall be surrendered, as provided in subsection 12, in
5 3 exchange for regular registration plates upon termination of
5 4 the owner's membership in the active national guard.
5 5 17. PEARL HARBOR SPECIAL PLATES. An owner referred to in
5 6 subsection 12 who was at Pearl Harbor, Hawaii, as a member of
5 7 the armed services of the United States on December 7, 1941,
5 8 may, upon written application to the department, order special
5 9 registration plates with a Pearl Harbor processed emblem. The
5 10 emblem shall be designed by the department in consultation
5 11 with service organizations. The application is subject to
5 12 approval by the department. The special plate fees collected
5 13 by the director under subsection 12, paragraph "a", from the
5 14 issuance and annual validation of letter-number designated and
5 15 personalized Pearl Harbor plates shall be paid monthly to the
5 16 treasurer of state and credited to the road use tax fund.
5 17 Notwithstanding section 423.43, and prior to the crediting of
5 18 revenues to the road use tax fund under section 423.43,
5 19 subsection 1, paragraph "b", the treasurer of state shall
5 20 transfer monthly from those revenues to the veterans license
5 21 fee fund created in section 35A.11 the amount of the special
5 22 fees collected in the previous month for Pearl Harbor plates.
5 23 18. PURPLE HEART SPECIAL PLATES. An owner referred to in
5 24 subsection 12 who was awarded a purple heart medal by the
5 25 United States government for wounds received in military or
5 26 naval combat against an armed enemy of the United States may,
5 27 upon written application to the department and presentation of
5 28 satisfactory proof of the award of the purple heart medal,
5 29 order special registration plates with a purple heart
5 30 processed emblem. The design of the emblem shall include a
5 31 representation of a purple heart medal and ribbon. The
5 32 application is subject to approval by the department in
5 33 consultation with the adjutant general. The special plate
5 34 fees collected by the director under subsection 12, paragraph
5 35 "a", from the issuance and annual validation of letter-number



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6 1 designated and personalized purple heart plates shall be paid
6 2 monthly to the treasurer of state and credited to the road use
6 3 tax fund. Notwithstanding section 423.43, and prior to the
6 4 crediting of revenues to the road use tax fund under section
6 5 423.43, subsection 1, paragraph "b", the treasurer of state
6 6 shall transfer monthly from those revenues to the veterans
6 7 license fee fund created in section 35A.11 the amount of the
6 8 special fees collected in the previous month for purple heart
6 9 plates.

6 10 19. UNITED STATES ARMED FORCES RETIRED SPECIAL PLATES. An
6 11 owner referred to in subsection 12 who is a retired member of
6 12 the United States armed forces may, upon written application
6 13 to the department and upon presentation of satisfactory proof
6 14 of membership, order special registration plates with a United
6 15 States armed forces retired processed emblem. The emblem
6 16 shall be designed by the department in consultation with
6 17 service organizations. The application is subject to approval
6 18 by the department. For purposes of this subsection, a person
6 19 is considered to be retired if the person is recognized by the
6 20 United States armed forces as retired from the United States
6 21 armed forces. The special plate fees collected by the
6 22 director under subsection 12, paragraph "a", from the issuance
6 23 and annual validation of letter=number designated and
6 24 personalized armed forces retired plates shall be paid monthly
6 25 to the treasurer of state and credited to the road use tax
6 26 fund. Notwithstanding section 423.43, and prior to the
6 27 crediting of revenues to the road use tax fund under section
6 28 423.43, subsection 1, paragraph "b", the treasurer of state
6 29 shall transfer monthly from those revenues to the veterans
6 30 license fee fund created in section 35A.11 the amount of the
6 31 special fees collected in the previous month for armed forces
6 32 retired plates.

6 33 20. SILVER OR BRONZE STAR PLATES. An owner referred to in
6 34 subsection 12 who was awarded a silver or a bronze star by the
6 35 United States government, may, upon written application to the



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7 1 department and presentation of satisfactory proof of the award
7 2 of the silver or bronze star, order special registration
7 3 plates with a silver or bronze star processed emblem. The
7 4 emblem shall be designed by the department in consultation
7 5 with the adjutant general. The special plate fees collected
7 6 by the director under subsection 12, paragraph "a", from the
7 7 issuance and annual validation of letter=number designated and
7 8 personalized silver star and bronze star plates shall be paid
7 9 monthly to the treasurer of state and credited to the road use
7 10 tax fund. Notwithstanding section 423.43, and prior to the
7 11 crediting of revenues to the road use tax fund under section
7 12 423.43, subsection 1, paragraph "b", the treasurer of state
7 13 shall transfer monthly from those revenues to the veterans
7 14 license fee fund created in section 35A.11 the amount of the
7 15 special fees collected in the previous month for silver star
7 16 and bronze star plates.

7 17 Sec. 5. Section 321.34, Code 2007, is amended by adding
7 18 the following new subsections:
7 19 NEW SUBSECTION. 20A. DISTINGUISHED SERVICE, NAVY, OR AIR
7 20 FORCE CROSS PLATES. An owner referred to in subsection 12 who
7 21 was awarded a distinguished service cross, a navy cross, or an
7 22 air force cross by the United States government may, upon
7 23 written application to the department and presentation of
7 24 satisfactory proof of the award, order special registration
7 25 plates with a distinguished service cross, navy cross, or air
7 26 force cross processed emblem. The emblem shall be designed by
7 27 the department in consultation with the adjutant general. The
7 28 special plate fees collected by the director under subsection
7 29 12, paragraph "a", from the issuance and annual validation of
7 30 letter=number designated and personalized distinguished
7 31 service cross, navy cross, and air force cross plates shall be
7 32 paid monthly to the treasurer of state and credited to the
7 33 road use tax fund. Notwithstanding section 423.43, and prior
7 34 to the crediting of revenues to the road use tax fund under
7 35 section 423.43, subsection 1, paragraph "b", the treasurer of



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8 1 state shall transfer monthly from those revenues to the
8 2 veterans license fee fund created in section 35A.11 the amount
8 3 of the special fees collected in the previous month for
8 4 distinguished service cross, navy cross, and air force cross
8 5 plates.

8 6 NEW SUBSECTION. 20B. SOLDIER'S, SAILOR'S, OR AIRMAN'S
8 7 MEDAL PLATES. An owner referred to in subsection 12 who was
8 8 awarded a soldier's medal, a sailor's medal, or an airman's
8 9 medal by the United States government may, upon written
8 10 application to the department and presentation of satisfactory
8 11 proof of the award, order special registration plates with a
8 12 soldier's medal, sailor's medal, or airman's medal processed
8 13 emblem. The emblem shall be designed by the department in
8 14 consultation with the adjutant general. The special plate
8 15 fees collected by the director under subsection 12, paragraph
8 16 "a", from the issuance and annual validation of letter=number
8 17 designated and personalized soldier's medal, sailor's medal,
8 18 and airman's medal plates shall be paid monthly to the
8 19 treasurer of state and credited to the road use tax fund.
8 20 Notwithstanding section 423.43, and prior to the crediting of
8 21 revenues to the road use tax fund under section 423.43,
8 22 subsection 1, paragraph "b", the treasurer of state shall
8 23 transfer monthly from those revenues to the veterans license
8 24 fee fund created in section 35A.11 the amount of the special
8 25 fees collected in the previous month for soldier's medal,
8 26 sailor's medal, and airman's medal plates.

8 27 NEW SUBSECTION. 24. GOLD STAR PLATES. An owner referred
8 28 to in subsection 12 who is the surviving spouse or surviving
8 29 parent of a deceased member of the United States armed forces
8 30 who died during a time of military conflict may order special
8 31 registration plates bearing a gold star emblem upon written
8 32 application to the department accompanied by satisfactory
8 33 supporting documentation as determined by the department. The
8 34 gold star emblem shall be designed by the department in
8 35 cooperation with the commission of veterans affairs. Letter
9 1 number designated gold star plates shall be issued at no
9 2 charge and shall be validated annually by the county treasurer
9 3 upon payment of the regular annual registration fee. The fee
9 4 for issuance of personalized gold star plates is twenty=five
9 5 dollars, and the annual fee for personalized gold star plates
9 6 is five dollars, which is in addition to the regular annual
9 7 registration fee.

9 8 Sec. 6. Section 321.166, subsections 2 and 9, Code 2007,
9 9 are amended to read as follows:

9 10 2. Every registration plate or pair of plates shall
9 11 display a registration plate number which shall consist of
9 12 alphabetical or numerical characters or a combination thereof
9 13 and the name of this state, which may be abbreviated. Every
9 14 registration plate issued by the county treasurer shall
9 15 display the name of the county, including any plate issued
9 16 pursuant to section 321.34, except Pearl Harbor and purple
9 17 heart registration plates issued prior to January 1, 1997, and
9 18 collegiate, fire fighter, and ~~congressional~~ medal of honor
9 19 registration plates. Special truck registration plates shall
9 20 display the word "special".

9 21 9. Special registration plates issued pursuant to section



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9 22 321.34 beginning January 1, 1997, other than ~~congressional~~
9 23 medal of honor, collegiate, fire fighter, and natural
9 24 resources registration plates, shall be consistent with the
9 25 design and color of regular registration plates but shall
9 26 provide a space on a portion of the plate for the purpose of
9 27 allowing the placement of a distinguishing processed emblem.
9 28 Special registration plates shall also comply with the
9 29 requirements for regular registration plates as provided in
9 30 this section to the extent the requirements are consistent
9 31 with the section authorizing a particular special vehicle
9 32 registration plate.

EXPLANATION

9 33
9 34 This bill requires the department of transportation to make
9 35 available special registration plates for recipients of the



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10 1 distinguished service cross, the navy cross, the air force
10 2 cross, the soldier's medal, the sailor's medal, and the
10 3 airman's medal. Emblems for the plates shall be designed by
10 4 the department in consultation with the adjutant general.
10 5 The bill directs the treasurer of state to credit fees from
10 6 the sale of the new special plates and the existing special
10 7 national guard, Pearl Harbor veteran, purple heart, armed
10 8 forces retired, bronze star, and silver star plates to the
10 9 veterans license fee fund. The plates are all subject to a
10 10 special initial fee of \$25 and are renewed annually for a
10 11 special fee of \$5 in addition to the regular annual
10 12 registration fee. Currently, the special fees from the
10 13 existing plates are deposited in the road use tax fund.
10 14 The bill establishes a new special motor vehicle
10 15 registration plate to be issued to a surviving spouse or
10 16 surviving parent of a deceased member of the United States
10 17 armed forces who died during a time of military conflict. The
10 18 special gold star registration plates shall be issued at no
10 19 charge to the applicant and renewed upon payment of the annual
10 20 registration fees for the vehicle. Personalized gold star
10 21 plates shall be issued for a fee of \$25 and renewed upon
10 22 payment of the annual registration fees for the vehicle plus a
10 23 \$5 personalized plate renewal fee.
10 24 The bill revises the fees charged for legion of merit
10 25 special plates. The bill provides that new legion of merit
10 26 plates shall be subject to the same fees as other special
10 27 military plates: \$25 for issuance and \$5 for annual renewal
10 28 in addition to regular registration fees. The special fees
10 29 are to be credited to the veterans license fee fund.
10 30 Currently, legion of merit plates are issued at no charge and
10 31 renewed annually for a fee of \$15. Persons who have been
10 32 issued legion of merit plates prior to the effective date of
10 33 the bill may continue to use those plates for the lower fee.
10 34 The bill also makes corrective amendments to references to
10 35 the medal of honor.



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11 1 LSB 2144SV 82
11 2 dea:nh/je/5



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Senate File 444 - Introduced

SENATE FILE
 BY COMMITTEE ON LOCAL
 GOVERNMENT

(SUCCESSOR TO SF 186)

(COMPANION TO HF 147 BY SWAIM)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to councils of governments by making technical
 2 changes and by designating a new council of governments area.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 4 TLSB 1962SV 82
 5 eg/gg/14

PAG LIN

1 1 Section 1. Section 28H.1, subsection 14, Code 2007, is
 1 2 amended to read as follows:
 1 3 14. Area fifteen regional planning commission serving
 1 4 ~~Appanoose~~, Davis, Jefferson, Keokuk, ~~Lucas~~, Mahaska, ~~Monroe~~,
 1 5 Van Buren, and Wapello, ~~and~~ Wayne counties.
 1 6 Sec. 2. Section 28H.1, Code 2007, is amended by adding the
 1 7 following new subsection:
 1 8 NEW SUBSECTION. 17. Chariton valley council of
 1 9 governments serving Appanoose, Lucas, Monroe, and Wayne
 1 10 counties.

1 11 EXPLANATION

1 12 This bill divides the area 15 regional planning commission
 1 13 into two councils of governments. Area 15 will continue to
 1 14 serve Davis, Jefferson, Keokuk, Mahaska, Van Buren, and
 1 15 Wapello counties. A newly created council of governments, the
 1 16 Chariton valley council of governments, will serve Appanoose,
 1 17 Lucas, Monroe, and Wayne counties.
 1 18 LSB 1962SV 82
 1 19 eg:sc/gg/14



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Senate File 445 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 119)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

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



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Senate File 445 - Introduced continued

PAG LIN

1 1 Section 1. Section 562A.12, subsection 7, Code 2007, is
1 2 amended to read as follows:
1 3 7. The ~~bad faith~~ wrongful retention of a deposit by a
1 4 landlord, or any portion of the rental deposit, in violation
1 5 of this section shall subject the landlord to punitive damages
1 6 ~~not to exceed two~~ equal to double the amount of the deposit or
1 7 the portion of the deposit wrongfully retained or five hundred
1 8 dollars, whichever is more, in addition to actual damages.

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

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

1 17 EXPLANATION

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

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

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

1 30 LSB 1987SV 82

1 31 av:nh/je/5



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Senate File 446 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1268)

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 2048SV 82
- 5 sc/gg/14



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Senate File 446 - Introduced continued

PAG LIN

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 2048SV 82

1 19 sc:nh/gg/14



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Senate File 447 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1117)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to incentives for school district reorganizations
- 2 and shared operational functions, and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1228SV 82
- 5 ak/je/5



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1 1 Section 1. Section 257.3, subsection 2, paragraph d, Code
1 2 2007, is amended to read as follows:

1 3 d. For purposes of this section, a reorganized school
1 4 district is one which absorbs at least thirty percent of the
1 5 enrollment of the school district affected by a reorganization
1 6 or dissolved during a dissolution and in which action to bring
1 7 about a reorganization or dissolution is initiated by a vote
1 8 of the board of directors or jointly by the affected boards of
1 9 directors to take effect on or after July 1, ~~2002~~ 2007, and on
1 10 or before July 1, ~~2006~~ 2014. Each district which initiated,
1 11 by a vote of the board of directors or jointly by the affected
1 12 boards, action to bring about a reorganization or dissolution
1 13 to take effect on or after July 1, ~~2002~~ 2007, and on or before
1 14 July 1, ~~2006~~ 2014, shall certify the date and the nature of
1 15 the action taken to the department of education by January 1
1 16 of the year in which the reorganization or dissolution takes
1 17 effect. For a reorganization or dissolution that took effect
1 18 on or after July 1, 2002, and on or before July 1, 2006, the
1 19 reorganized school district shall continue to receive the
1 20 benefits of paragraphs "a" and "b" of this subsection for the
1 21 time specified in those paragraphs.

1 22 Sec. 2. Section 257.11, subsection 2, paragraph c, Code
1 23 2007, is amended by striking the paragraph and inserting in
1 24 lieu thereof the following:

1 25 c. Pupils attending class for all or a substantial portion
1 26 of a school day pursuant to a whole grade sharing agreement
1 27 executed under sections 282.10 through 282.12 shall be
1 28 eligible for supplementary weighting pursuant to this
1 29 subsection. A school district which executes a whole grade
1 30 sharing agreement and which adopts a resolution jointly with
1 31 other affected boards to study the question of undergoing a
1 32 reorganization or dissolution to take effect on or before July
1 33 1, 2014, shall receive a weighting of one-tenth of the
1 34 percentage of the pupil's school day during which the pupil
1 35 attends classes in another district, attends classes taught by



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2 1 a teacher who is jointly employed under section 280.15, or
2 2 attends classes taught by a teacher who is employed by another
2 3 school district. A district shall be eligible for
2 4 supplementary weighting pursuant to this paragraph for a
2 5 maximum of three years. Receipt of supplementary weighting
2 6 for a second and third year shall be conditioned upon
2 7 submission of information resulting from the study to the
2 8 school budget review committee indicating progress toward the
2 9 objective of reorganization on or before July 1, 2014.

2 10 Sec. 3. Section 257.11, subsection 5, paragraph a, Code
2 11 2007, is amended to read as follows:

2 12 a. For the school budget year beginning July 1, 2002, ~~and~~
~~2 13 succeeding budget years~~ through the school budget year
2 14 beginning July 1, 2007, in order to provide additional funds
2 15 for school districts in which a regional academy is located, a
2 16 supplementary weighting plan for determining enrollment is
2 17 adopted.

2 18 Sec. 4. Section 257.11, Code 2007, is amended by adding
2 19 the following new subsection:

2 20 NEW SUBSECTION. 5A. SHARED OPERATIONAL FUNCTIONS ==
2 21 INCREASED STUDENT OPPORTUNITIES.

2 22 a. In order to provide additional funding to increase
2 23 student opportunities and redirect more resources to student
2 24 programming for school districts that share operational
2 25 functions, a supplementary weighting of two hundredths per
2 26 pupil shall be assigned to pupils enrolled in a district that
2 27 shares with a political subdivision one or more operational
2 28 functions in the areas of superintendent management, business
2 29 management, human resources, transportation, or operation and
2 30 maintenance for at least twenty percent of the school year.
2 31 The additional weighting shall be assigned for each discrete
2 32 operational function shared. For the purposes of this
2 33 section, "political subdivision" means a city, township,
2 34 county, school corporation, merged area, area education
2 35 agency, institution governed by the state board of regents, or



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3 1 any other governmental subdivision.
3 2 b. Supplementary weighting pursuant to this subsection
3 3 shall be available to a school district for a maximum of five
3 4 years during the period commencing with the budget year
3 5 beginning July 1, 2008, through the budget year beginning July
3 6 1, 2013. The minimum amount of additional weighting for which
3 7 a school district shall be eligible is an amount equivalent to
3 8 ten additional pupils, and the maximum amount of additional
3 9 weighting for which a school district shall be eligible is an
3 10 amount equivalent to forty additional pupils. Receipt of
3 11 supplementary weighting by a school district pursuant to this
3 12 subsection for more than one year shall be contingent upon the
3 13 annual submission of information by the district to the
3 14 department documenting cost savings directly attributable to
3 15 the shared operational functions. Criteria for determining
3 16 the number of years for which supplementary weighting shall be
3 17 received pursuant to this subsection, subject to the five-year
3 18 maximum, and for determining qualification of operational
3 19 functions for supplementary weighting shall be determined by
3 20 the department by rule, through consideration of long-term
3 21 savings by the school district or increased student
3 22 opportunities.
3 23 c. Supplementary weighting pursuant to this subsection
3 24 shall be available to an area education agency for a maximum
3 25 of five years during the period commencing with the budget
3 26 year beginning July 1, 2008. The minimum amount of additional
3 27 funding for which an area education agency shall be eligible
3 28 is fifty thousand dollars, and the maximum amount of
3 29 additional funding for which an area education agency shall be
3 30 eligible is two hundred thousand dollars. The department of
3 31 management shall annually set a weighting for each area
3 32 education agency to generate the approved operational sharing
3 33 expense using the area education agency's special education
3 34 cost per pupil amount and foundation level. Receipt of
3 35 supplementary weighting by an area education agency for more



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4 1 than one year shall be contingent upon the annual submission
4 2 of information by the district to the department documenting
4 3 cost savings directly attributable to the shared operational
4 4 functions. Criteria for determining the number of years for
4 5 which supplementary weighting shall be received pursuant to
4 6 this subsection, subject to the five-year maximum, and the
4 7 amount generated by the supplementary weighting, and for
4 8 determining qualification of operational functions for
4 9 supplementary weighting shall be determined by the department
4 10 by rule, through consideration of long-term savings by the
4 11 area educational agency or increased student opportunities.

4 12 d. The amount of any supplementary weighting originally
4 13 received under this subsection shall be reduced by an
4 14 additional twenty percent from the original amount for each
4 15 subsequent budget year that supplementary weighting may be
4 16 received.

4 17 e. This subsection is repealed effective July 1, 2014.

4 18 Sec. 5. Section 257.11A, Code 2007, is amended to read as
4 19 follows:

4 20 257.11A SUPPLEMENTARY WEIGHTING AND SCHOOL REORGANIZATION.

4 21 1. In determining weighted enrollment under section 257.6,
4 22 if the board of directors of a school district has approved a
4 23 contract for sharing pursuant to section 257.11 and the school
4 24 district has approved an action to bring about a
4 25 reorganization to take effect on and after July 1, ~~2002~~ 2007,
4 26 and on or before July 1, ~~2006~~ 2014, the reorganized school
4 27 district shall include, for a period of three years following
4 28 the effective date of the reorganization, additional pupils
4 29 added by the application of the supplementary weighting plan,
4 30 equal to the pupils added by the application of the
4 31 supplementary weighting plan in the year preceding the
4 32 reorganization. For the purposes of this subsection, the
4 33 weighted enrollment for the period of three years following
4 34 the effective date of reorganization shall include the
4 35 supplementary weighting in the base year used for determining



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5 1 the combined district cost for the first year of the
5 2 reorganization. However, the weighting shall be reduced by
5 3 the supplementary weighting added for a pupil whose residency
5 4 is not within the reorganized district.

5 5 2. For purposes of this section, a reorganized district is
5 6 one in which the reorganization was approved in an election
5 7 pursuant to sections 275.18 and 275.20 and takes effect on or
5 8 after July 1, ~~2002~~ 2007, and on or before July 1, ~~2006~~ 2014.
5 9 Each district which initiates, by a vote of the board of
5 10 directors or jointly by the affected boards, action to bring
5 11 about a reorganization or dissolution to take effect on or
5 12 after July 1, ~~2002~~ 2007, and on or before July 1, ~~2006~~ 2014,
5 13 shall certify the date and the nature of the action taken to
5 14 the department of education by January 1 of the year in which
5 15 the reorganization or dissolution takes effect.

~~5 16 3. Notwithstanding subsection 1, a school district which
5 17 was participating in a whole grade sharing arrangement during
5 18 the budget year beginning July 1, 2001, and which received a
5 19 maximum of two years of supplementary weighting pursuant to
5 20 section 257.11, subsection 2, paragraph "c", shall include
5 21 additional pupils added by the application of the
5 22 supplementary weighting plan, equal to the pupils added by the
5 23 application of the supplementary weighting plan in the year
5 24 preceding the reorganization, for a period of four years
5 25 following the effective date of the reorganization.~~

5 26 4. 3. A school district shall be eligible for a combined
5 27 maximum total of six years of supplementary weighting under
5 28 the provisions of this section and section 257.11, subsection
5 29 2, paragraph "c". A school district participating in a whole
5 30 grade sharing arrangement during the budget year beginning
5 31 July 1, 2001, that adopted a resolution jointly with other
5 32 affected boards to study the question of undergoing a
5 33 reorganization or dissolution to take effect on or after July
5 34 1, 2002, and on or before July 1, 2006, shall continue to
5 35 receive the supplementary weighting to which it was entitled



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6 1 pursuant to the provisions of this section and section 257.11,
6 2 subsection 2, paragraph "c".

6 3 Sec. 6. SCHOOL DISTRICT SHARING AND EFFICIENCIES ==
6 4 APPROPRIATION. For the fiscal year beginning July 1, 2007,
6 5 and ending June 30, 2008, there is appropriated from the
6 6 general fund of the state to the department of education the
6 7 following amount, or so much thereof as is necessary, to be
6 8 used for the purposes designated in this section:

6 9 \$ 400,000

6 10 The amount appropriated shall be utilized by the department
6 11 for development of a uniform process to facilitate discussions
6 12 to promote reductions in the costs of operations and create
6 13 additional resource availability as provided in subsections 1
6 14 through 5.

6 15 1. Not later than September 15, 2007, the department of
6 16 education shall, in consultation with the boards of directors
6 17 of the area education agencies and other appropriate education
6 18 stakeholders as necessary, develop a uniform process to
6 19 facilitate discussion between school district leaders in order
6 20 to support rigorous and relevant student programming and
6 21 efforts to increase student achievement through identification
6 22 and realization of sharing and efficiency of operations
6 23 efforts with other school districts, educational partners, and
6 24 governmental subdivisions. The process is intended to promote
6 25 reductions in the costs of operations and create additional
6 26 resource availability. The process shall provide a framework
6 27 for a consistent regional plan for use by area education
6 28 agencies pursuant to subsection 3.

6 29 2. The department of education shall employ staff members
6 30 to be placed in the area education agencies to coordinate and
6 31 facilitate the processes developed pursuant to subsection 1,
6 32 between area education agency personnel, community college
6 33 representatives, postsecondary institutions, and school
6 34 district leaders from every school district located within
6 35 each area education agency. Processes to be developed shall



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Senate File 447 - Introduced continued

7 1 include but shall not be limited to school district and area
7 2 education agency services available to improve efficiencies,
7 3 areas of potential sharing, and efficiency of operations.
7 4 Other governmental subdivisions and private entities may be
7 5 consulted for efficiency proposals. Districts involved in the
7 6 processes shall consider operational efficiencies, shared
7 7 programming, transportation sharing, expansion of area
7 8 education agency cooperatives, common schedules for school
7 9 districts and community colleges, energy and insurance
7 10 efficiencies, effective structure and delivery models that
7 11 promote optimum student achievement, graduation requirements,
7 12 and a rigorous, relevant curriculum.

7 13 3. By January 15, 2008, each area education agency shall
7 14 submit a plan to the department which identifies the existing,
7 15 new, or expanded opportunities for school district sharing or
7 16 efficiency of operations determined as a result of completing
7 17 the process. The plan shall provide for long-term measures
7 18 that identify money or time saved as a result of the sharing
7 19 or efficiency of operations efforts, list the cooperative
7 20 partners in specific sharing or efficiency of operations
7 21 efforts, describe effective structure and delivery models that
7 22 promote optimum student achievement, and include provisions
7 23 for making educational stakeholders aware of the sharing and
7 24 efficiency in operations opportunities available in each area.

7 25 4. The department of education shall compile and review
7 26 the plans submitted pursuant to subsection 3, identify
7 27 barriers to potential sharing and efficiency in operations
7 28 efforts, recommend a timeline for implementation of sharing
7 29 and efficiency of operations efforts and a reduction in
7 30 funding related to penalties for noncompliance with the
7 31 implementation of sharing and efficiency of operations
7 32 efforts, and shall submit its findings and recommendations to
7 33 the general assembly by March 15, 2008.

7 34 5. For purposes of subsection 1, "school district leaders"
7 35 includes superintendents, administrators, central office



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8 1 staff, educators, and school board members, although a school
8 2 district may designate one school district leader to represent
8 3 the school district regularly at the meetings held pursuant to
8 4 subsection 2.

8 5 EXPLANATION

8 6 This bill makes changes related to incentives for school
8 7 district reorganization and dissolution and shared operational
8 8 functions between school districts and political subdivisions.

8 9 The bill leaves intact the reduced uniform levy for schools
8 10 that reorganized prior to July 1, 2006, allowing school
8 11 districts to utilize the incentive if they reorganize until on
8 12 or before July 1, 2014.

8 13 The bill strikes the current whole grade sharing
8 14 arrangement, and replaces it with a modified and simplified
8 15 version. The new provision allows school districts that
8 16 execute a whole grade sharing agreement and adopt a resolution
8 17 to study the effect of undergoing a reorganization or
8 18 dissolution to take effect on or before July 1, 2014, to
8 19 weight one-tenth of a percentage of a student's school day
8 20 during which the student attends classes in another district,
8 21 is taught by a teacher jointly employed, or attends classes
8 22 taught by a teacher employed by another district. This
8 23 supplementary weighting is available for a total of three
8 24 years. However, the second and third year of supplementary
8 25 weighting funding is dependent upon the school district's
8 26 progress toward reorganization.

8 27 The bill provides an additional funding for regional
8 28 academies through the school budget year beginning July 1,
8 29 2007.

8 30 The bill enacts section 257.11, new subsection 5A which
8 31 offers financial and operational support to help school
8 32 districts reorganize, consolidate, or dissolve efficiently
8 33 without allowing fiscal barriers to get in the way. A
8 34 supplementary weighting of two hundredths per pupil will be
8 35 given to a district that shares with a political subdivision
9 1 one or more of its administrative management, business
9 2 management, human resources, transportation, or operational
9 3 and maintenance functions for at least 20 percent of the year.
9 4 A political subdivision means a city, township, county, school
9 5 corporation, merged area, area education agency, board of
9 6 regents institution, or any other government subdivision.
9 7 This supplementary weighting is available for five years, with
9 8 a minimum equivalent weighting of 10 pupils and a maximum
9 9 equivalent weighting of 40 pupils. After the first year of
9 10 supplementary weighting, the school district must submit
9 11 evidence of cost savings attributable to the shared
9 12 operational functions.

9 13 The new subsection also provides that area education
9 14 agencies (AEAs) shall have supplementary weighting for shared
9 15 operational functions available for a maximum of five years
9 16 beginning July 1, 2008. The minimum amount of additional
9 17 funding that an AEA shall be eligible for is \$50,000 and the
9 18 maximum amount of funding that an AEA shall be eligible for is
9 19 \$200,000.

9 20 The bill directs the department of management to annually
9 21 set a weighting for each AEA to generate the approved



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9 22 operational sharing expense using the AEA's special education
9 23 cost per pupil amount and foundation level. To receive
9 24 supplementary weighting for more than one year depends on
9 25 annual reports by the district to the department on the cost
9 26 savings attributable to the shared operational functions.
9 27 Criteria for determining the number of years that
9 28 supplementary weighting shall be received, subject to the
9 29 five-year maximum, and the amount generated by the
9 30 supplementary weighting, and for determining qualification of
9 31 operational functions for supplementary weighting shall be
9 32 decided by department rule through consideration of long-term
9 33 savings by the AEA or increased student opportunities.
9 34 Supplementary weighting funding received under section
9 35 257.11, new subsection 5A for shared operational functions



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10 1 shall be reduced by an additional twenty percent from the
10 2 original amount each subsequent budget year that the funding
10 3 is received. The bill provides that section 257.11, new
10 4 subsection 5A is repealed effective July 1, 2014.
10 5 The bill also provides for supplementary weighting funding
10 6 for three years for a reorganized school district that is
10 7 equal to the funding that was received in the year preceding
10 8 the reorganization. The bill amends the definition of
10 9 reorganized school district for purposes of receiving this
10 10 supplementary weighting to include those districts where the
10 11 reorganization takes effect on or before July 1, 2014.
10 12 An appropriation of \$400,000 from the general fund is
10 13 provided to assist schools in implementing shared operational
10 14 functions. The department of education is required by
10 15 September 15, 2007, to develop a uniform process for school
10 16 leaders to discuss ways to support student programs and
10 17 achievement through shared operations. The department is
10 18 required to hire staff for AEAs to coordinate the uniform
10 19 process between AEAs, community colleges, postsecondary
10 20 institutions, and school districts. These groups shall
10 21 consider services to improve efficiencies, areas of potential
10 22 sharing, and efficiency of operations as they relate to shared
10 23 programming, transportation, AEA expansion, common school
10 24 schedules, graduation requirements, and curriculum
10 25 requirements. By January 1, 2008, each AEA shall give the
10 26 department a plan identifying efficiencies. The department
10 27 shall compile these reports and submit a comprehensive report,
10 28 including barriers to sharing and efficiency, and a timeline
10 29 for implementation to the general assembly by March 15, 2008.
10 30 LSB 1228SV 82
10 31 ak:sc/je/5



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Senate File 448 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1061)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to confidential information regarding
- 2 unemployment insurance benefits and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1422SV 82
- 5 ak/je/5



Iowa General Assembly
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Senate File 448 - Introduced continued

PAG LIN

1 1 Section 1. Section 96.11, subsection 6, paragraph b, Code
1 2 2007, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (4) The department shall hold
1 4 confidential unemployment insurance information received by
1 5 the department from an unemployment insurance agency of
1 6 another state.

1 7 Sec. 2. Section 96.11, subsection 6, paragraph f, Code
1 8 2007, is amended to read as follows:

1 9 ~~f. An employee of the department, an administrative law~~
~~1 10 judge, or a member of the appeal board who violates this~~
~~1 11 subsection is guilty, upon conviction, of a serious~~
~~1 12 misdemeanor. A public official or an agent or contractor of a~~
1 13 public official who receives information pursuant to this
1 14 subsection or a third party other than an agent who acts on
1 15 behalf of a claimant or employer and who violates this
1 16 subsection is guilty, upon conviction, of a serious
1 17 misdemeanor. For the purposes of this subsection, "public
1 18 official" means an official or employee within the executive
1 19 branch of federal, state, or local government, or an elected
1 20 official of the federal or a state or local government.

1 21 EXPLANATION

1 22 This bill brings Iowa's unemployment insurance laws into
1 23 compliance with new federal laws regarding confidential
1 24 information. The bill expands confidential information to
1 25 include unemployment insurance information received from other
1 26 states. The bill also expands who can be held criminally
1 27 responsible for revealing confidential information to include
1 28 public officials, their agents and contractors, and third
1 29 parties.

1 30 LSB 1422SV 82

1 31 ak:rj/je/5



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Senate File 449 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1297)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring the legislative services agency to prepare
- 2 reports regarding nonprofit hospitals and organized health
- 3 systems.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2418SV 82
- 6 nh/gg/14



Iowa General Assembly
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Senate File 449 - Introduced continued

PAG LIN

1 1 Section 1. NONPROFIT HOSPITALS AND ORGANIZED HEALTH
1 2 SYSTEMS == ANALYSIS AND ANNUAL REPORTS BY LEGISLATIVE SERVICES
1 3 AGENCY. The legislative services agency shall prepare all of
1 4 the following information in regard to nonprofit hospitals and
1 5 organized health systems in this state:
1 6 1. An annual report, to be submitted to the general
1 7 assembly by January 1 each year through January 1, 2012,
1 8 compiling information reported on federal tax form 990 by
1 9 nonprofit hospitals operating in the state. The department of
1 10 revenue shall assist the legislative services agency in
1 11 obtaining the information. The information shall include all
1 12 of the following, reported on a per hospital and an aggregate
1 13 basis:
1 14 a. Total revenues.
1 15 b. The amount of excess revenue or profit.
1 16 c. The amount of the compensation paid to the hospital's
1 17 chief executive officer, chief financial officer, and other
1 18 executive-level administrators.
1 19 d. The amount and percentage of free care provided.
1 20 e. The amount and percentage of revenue received from
1 21 Medicaid.
1 22 f. The amount and percentage of revenue received from
1 23 Medicare.
1 24 2. An annual report, to be submitted to the general
1 25 assembly by January 1 each year through January 1, 2012,
1 26 compiling information reported on federal tax form 990 by
1 27 organized health systems operating in the state. The
1 28 department of revenue shall assist the legislative services
1 29 agency in obtaining the information. The information shall
1 30 include all of the following, reported on a per organized
1 31 health system and an aggregate basis:
1 32 a. Total revenues.
1 33 b. The amount of excess revenue or profit.
1 34 c. The amount of the compensation paid to the health
1 35 system's chief executive officer, chief financial officer, and



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Senate File 449 - Introduced continued

2 1 other executive-level administrators.
2 2 d. The amount and percentage of free care provided.
2 3 e. The amount and percentage of revenue received from
2 4 Medicaid.
2 5 f. The amount and percentage of revenue received from
2 6 Medicare.
2 7 3. A report reviewing and comparing the laws of this state
2 8 and surrounding states governing nonprofit corporations as
2 9 such laws relate to the operation of nonprofit hospitals and
2 10 organized health systems. The report shall be submitted to
2 11 the general assembly by January 1, 2008.

2 12 EXPLANATION

2 13 This bill requires the legislative services agency to
2 14 prepare the following reports for submission to the general
2 15 assembly:

2 16 1. An annual report to be submitted by January 1, each
2 17 year through January 1, 2012, compiling information reported
2 18 on federal tax form 990 by nonprofit hospitals operating in
2 19 the state. The information shall include all of the
2 20 following, reported on a per hospital and an aggregate basis:
2 21 total revenues; the amount of excess revenue or profit; the
2 22 amount of compensation paid to the hospital's chief executive
2 23 officer, chief financial officer, and other executive-level
2 24 administrators; the amount and percentage of free care
2 25 provided; the amount and percentage of revenue received from
2 26 Medicaid; and the amount and percentage of revenue received
2 27 from Medicare.
2 28 2. An annual report to be submitted by January 1, each
2 29 year through January 1, 2012, compiling information reported
2 30 on federal tax form 990 by organized health systems operating
2 31 in the state. The information shall include all of the
2 32 following, reported on a per organized health system and an
2 33 aggregate basis: total revenues; the amount of excess revenue
2 34 or profit; the amount of the compensation paid to the health
2 35 system's chief executive officer, chief financial officer, and



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3 1 other executive-level administrators; the amount and
3 2 percentage of free care provided; the amount and percentage of
3 3 revenue received from Medicaid; the amount and percentage of
3 4 revenue received from Medicare.
3 5 3. A report, to be submitted by January 1, 2008, reviewing
3 6 and comparing the laws of this state and surrounding states
3 7 governing nonprofit corporations as such laws relate to the
3 8 operation of nonprofit hospitals and organized health systems.
3 9 LSB 2418SV 82
3 10 nh:rj/gg/14



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Senate File 450 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1149)

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

A BILL FOR

- 1 An Act relating to limitations of actions as applied to county
- 2 collection of delinquent property taxes.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1645SV 82
- 5 eg/je/5



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Senate File 450 - Introduced continued

PAG LIN

1 1 Section 1. Section 614.1, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 14. COUNTY COLLECTION OF TAXES. No time
1 4 limitation shall apply to an action brought by a county under
1 5 section 445.3 to collect delinquent taxes levied on or after
1 6 April 1, 1992.

1 7 EXPLANATION
1 8 This bill codifies the Iowa supreme court's ruling in
1 9 Fennelly v. A=1 Machine & Tool Co., No. 73/04=1232 (October 6,
1 10 2006). The court ruled that the county, when collecting
1 11 delinquent property taxes, is engaged in a public or
1 12 governmental activity and thus is entitled to immunity from
1 13 the statute of limitations.
1 14 LSB 1645SV 82
1 15 eg:sc/je/5



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Senate File 451 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO SF 234)

(COMPANION TO HF 404 BY
S. OLSON)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to enterprise zones that include the site of a
- 2 biodiesel or biodiesel blended fuel production facility.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1898SV 82
- 5 tm/gg/14



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Senate File 451 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.196, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. a. Investment tax credit of up to ten percent, as
1 4 provided in section 15.333.
1 5 b. For purposes of the tax credit provided in paragraph
1 6 "a", if the eligible business is a biodiesel or biodiesel
1 7 blended fuel production facility, the department of economic
1 8 development shall issue a biodiesel enterprise zone investment
1 9 tax credit certificate to be attached to the taxpayer's tax
1 10 return. The tax credit certificate shall contain the
1 11 taxpayer's name, address, tax identification number, the date
1 12 of project completion, the amount of credit, other information
1 13 required by the department of revenue, and a place for the
1 14 name and tax identification number of a transferee and the
1 15 amount of the tax credit being transferred. Tax credit
1 16 certificates issued under this paragraph may be transferred to
1 17 any person or entity. Within ninety days of transfer, the
1 18 transferee must submit the transferred tax credit certificate
1 19 to the department of revenue along with a statement containing
1 20 the transferee's name, tax identification number, and address,
1 21 and the denomination that each replacement tax credit
1 22 certificate is to carry and any other information required by
1 23 the department of revenue. Within thirty days of receiving
1 24 the transferred tax credit certificate and the transferee's
1 25 statement, the department of revenue shall issue one or more
1 26 replacement tax credit certificates to the transferee. Each
1 27 replacement certificate must contain the information required
1 28 for the original tax credit certificate and must have the same
1 29 expiration date that appeared on the original tax credit
1 30 certificate. Tax credit certificate amounts of less than the
1 31 minimum amount established by rule of the department of
1 32 economic development shall not be transferable. A tax credit
1 33 shall not be claimed by a transferee under this paragraph
1 34 until a replacement tax credit certificate identifying the
1 35 transferee as the proper holder has been issued. The



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2 1 transferee may use the amount of the tax credit transferred
2 2 against the taxes imposed under chapter 422, divisions II,
2 3 III, and V, and under chapter 432, and against the moneys and
2 4 credits tax imposed in section 533.24, for any tax year the
2 5 original transferor could have claimed the tax credit. Any
2 6 consideration received for the transfer of the tax credit
2 7 shall not be included as income under chapter 422, divisions
2 8 II, III, and V, under chapter 432, or against the moneys and
2 9 credits tax imposed in section 533.24. Any consideration paid
2 10 for the transfer of the tax credit shall not be deducted from
2 11 income under chapter 422, divisions II, III, and V, under
2 12 chapter 432, or against the moneys and credits tax imposed in
2 13 section 533.24.
2 14 c. For purposes of this subsection, the terms "biodiesel"
2 15 and "biodiesel blended fuel" mean the same as defined in
2 16 section 214A.1.

2 17

EXPLANATION

2 18 This bill relates to enterprise zones that include the site
2 19 of a biodiesel or biodiesel blended fuel production facility.
2 20 Currently, an eligible business under the enterprise zone
2 21 program may elect to receive an investment tax credit as one
2 22 of the incentives and assistance under the program. The bill
2 23 provides that if the eligible business is a biodiesel or
2 24 biodiesel production facility the investment tax credit under
2 25 the program is transferable. The bill provides a procedure
2 26 for the issuance of biodiesel enterprise zone investment tax
2 27 credit certificates required for the transfer and claiming of
2 28 the tax credit. The bill allows a transferee to use the
2 29 amount of the tax credit transferred against individual and
2 30 corporate tax liabilities, franchise tax liabilities for
2 31 financial institutions, insurance premium tax liabilities for
2 32 insurance companies, and the moneys and credits tax. The bill
2 33 provides that the transferee may claim the tax credit for any
2 34 tax year the original transferor could have claimed the tax
2 35 credit.



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3 1 LSB 1898SV 82
3 2 tm:sc/gg/14



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Senate File 452 - Introduced

SENATE FILE
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 209)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

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

PAG LIN



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Senate File 451 - Introduced continued

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



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Senate File 451 - Introduced continued

2 1 communities on needed strategies, plans, and action to
2 2 administer the program.
2 3 2. Establishing a partnership with public agencies and
2 4 nonprofit organizations to implement a public engagement
2 5 campaign and establish a structure to facilitate communication
2 6 between farmers and schools.
2 7 3. Providing leadership at the state level to encourage
2 8 schools to develop and improve school nutrition plans using
2 9 locally or regionally grown or locally or regionally processed
2 10 food.
2 11 4. Conducting workshops and training sessions and
2 12 providing technical assistance to school food services,
2 13 farmers, processors, and distributors regarding the demand for
2 14 and the availability of Iowa food products, and assisting
2 15 persons seeking to participate in the program.
2 16 5. Providing information regarding the Iowa farm-to-school
2 17 program in an electronic format on the department's internet
2 18 website. Each department cooperating in administering the
2 19 program shall maintain a direct link to the information on
2 20 that department's internet website.
2 21 6. Seeking financial or in-kind contributions from persons
2 22 to support the program.
2 23 Sec. 5. NEW SECTION. 190A.5 DEPARTMENTAL COOPERATION.
2 24 The department of education, the department of human
2 25 services, and the department of public health shall cooperate
2 26 with the department of agriculture and land stewardship in
2 27 administering the Iowa farm-to-school program, including by
2 28 providing for professional consultation and staff support.
2 29 Sec. 6. APPROPRIATIONS. There is appropriated from the
2 30 general fund of the state to the department of agriculture and
2 31 land stewardship for the fiscal year beginning July 1, 2007,
2 32 and ending June 30, 2008, the following amount, or so much
2 33 thereof as is necessary, to be used for the purposes
2 34 designated:
2 35 For purposes of supporting an Iowa farm-to-school program



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Senate File 451 - Introduced continued

3 1 as provided in this Act, including salaries, support,
 3 2 maintenance, miscellaneous purposes, and for not more than the
 3 3 following full-time equivalent positions:
 3 4 \$ 99,747
 3 5 FTEs 2.00

EXPLANATION

3 7 This bill establishes an Iowa farm-to-school program
 3 8 administered on a statewide basis by the department of
 3 9 agriculture and land stewardship. The purpose of the program
 3 10 is to provide for the purchase of locally and regionally
 3 11 produced or processed food in order to improve child nutrition
 3 12 in the public and nonpublic schools and strengthen local and
 3 13 regional farm economies. The department is required to
 3 14 appoint a coordinator in order to administer the program. The
 3 15 bill requires that the department of education, department of
 3 16 human services, and the department of public health cooperate
 3 17 in administering the program. The bill makes an appropriation
 3 18 from the state general fund to support the program.

3 19 LSB 2584SV 82
 3 20 da:rj/es/88



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Senate File 453 - Introduced

SENATE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 1317)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act creating a Vietnam Conflict veterans bonus for a certain
2 period of active duty military service, making an
3 appropriation, and providing a tax exemption and a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2830SV 82
6 ec/gg/14



Iowa General Assembly
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Senate File 453 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.8, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5. a. The executive director shall
1 4 provide for the administration of the bonus authorized in this
1 5 subsection. The commission shall adopt rules, pursuant to
1 6 chapter 17A, as necessary to administer this subsection
1 7 including but not limited to application procedures,
1 8 investigation, approval or disapproval, and payment of claims.
1 9 b. (1) A person who served on active duty for not less
1 10 than one hundred twenty days in the armed forces of the United
1 11 States at any time between July 1, 1973, and May 31, 1975,
1 12 both dates inclusive, and who at the time of entering into
1 13 active duty service was a legal resident of the state of Iowa,
1 14 and who had maintained the person's residence in this state
1 15 for a period of at least six months immediately before
1 16 entering into active duty service, and was honorably
1 17 discharged or separated from active duty service, or is still
1 18 in active service in an honorable status, or has been retired,
1 19 or has been furloughed to a reserve, or has been placed on
1 20 inactive status is entitled to receive from moneys
1 21 appropriated for that purpose the sum of seventeen dollars and
1 22 fifty cents for each month that the person was on active duty
1 23 service in the Vietnam service area, within the dates
1 24 specified in this subparagraph, if the veteran earned either a
1 25 Vietnam service medal or an armed forces expeditionary medal=
1 26 Vietnam or can otherwise establish service in the Vietnam
1 27 service area during that period. Compensation under this
1 28 subparagraph shall not exceed a total sum of five hundred
1 29 dollars. Compensation for a fraction of a month shall not be
1 30 considered unless the fraction is sixteen days or more, in
1 31 which case the fraction shall be computed as a full month.
1 32 (2) A person otherwise qualified under this paragraph "b"
1 33 except that the person did not earn either a Vietnam service
1 34 medal or an armed forces expeditionary medal=Vietnam, and did
1 35 not serve in the Vietnam service area during the period



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Senate File 453 - Introduced continued

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

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

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

2 19 (5) The surviving unremarried widow or widower, child or
2 20 children, mother, father, or person standing in loco parentis,
2 21 in the order named and none other, of any deceased person
2 22 shall be paid the compensation that the deceased person would
2 23 be entitled to pursuant to this subsection, if living.
2 24 However, if any person has died or shall die, or is disabled,
2 25 from service-connected causes incurred during the period and
2 26 in the area from which the person is entitled to receive
2 27 compensation pursuant to this subsection, the person or the
2 28 first survivor as designated by this subparagraph, and in the
2 29 order named, shall be paid five hundred dollars or three
2 30 hundred dollars, whichever maximum amount would have applied
2 31 pursuant to subparagraph (1) or (2), regardless of the length
2 32 of service.

2 33 (6) The maximum compensation a person may receive pursuant
2 34 to this subsection shall be reduced by the amount of any
2 35 Vietnam veterans bonus received from the state by that person



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3 1 for service prior to July 1, 1973.
 3 2 c. A person who knowingly makes a false statement relating
 3 3 to a material fact in supporting an application under this
 3 4 subsection is guilty of a serious misdemeanor. A person
 3 5 convicted pursuant to this subsection shall forfeit all
 3 6 benefits to which the person may have been entitled under this
 3 7 subsection.
 3 8 d. All payments and allowances made under this subsection
 3 9 shall be exempt from taxation, levy, and sale on execution.
 3 10 e. The bonus compensation authorized under this subsection
 3 11 shall be paid from moneys appropriated for that purpose.
 3 12 f. A Vietnam Conflict veterans bonus fund is created in
 3 13 the state treasury. The Vietnam Conflict veterans bonus fund
 3 14 shall consist of all moneys appropriated to the fund to pay
 3 15 the bonus compensation authorized in this subsection.
 3 16 Notwithstanding section 12C.7, interest or earnings on
 3 17 investments or time deposits of the moneys in the Vietnam
 3 18 Conflict veterans bonus fund shall be credited to the bonus
 3 19 fund. Section 8.33 does not apply to moneys appropriated to
 3 20 the Vietnam Conflict veterans bonus fund.
 3 21 Sec. 2. VIETNAM CONFLICT VETERANS BONUS FUND
 3 22 APPROPRIATION. There is appropriated from the general fund of
 3 23 the state to the department of veterans affairs for the fiscal
 3 24 year beginning July 1, 2007, and ending June 30, 2008, the
 3 25 following amount, or so much thereof as is necessary, to be
 3 26 used for the purpose designated:
 3 27 For deposit in the Vietnam Conflict veterans bonus fund:
 3 28 \$ 500,000
 3 29 EXPLANATION
 3 30 This bill creates a Vietnam Conflict veterans bonus for
 3 31 persons who served on active duty in the United States armed
 3 32 forces from July 1, 1973, through May 31, 1975. Eligible
 3 33 persons may receive \$17.50 for each month that the person was
 3 34 on active duty in the Vietnam service area, within the dates
 3 35 specified, not to exceed a total sum of \$500. Persons who



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4 1 served on active duty during the specified period but not in
4 2 the Vietnam service area may receive \$12.50 per month, not to
4 3 exceed \$300. The bill provides, however, that the maximum
4 4 compensation a person can receive under this bill shall be
4 5 reduced by the amount of any Vietnam veterans bonus received
4 6 by that person for service prior to July 1, 1973. The bonus
4 7 payments are exempt from taxation, levy, and execution. A
4 8 criminal penalty is provided for a submission of a fraudulent
4 9 application for the bonus. The bill also appropriates
4 10 \$500,000 to the Vietnam Conflict veterans bonus fund created
4 11 in the bill.
4 12 LSB 2830SV 82
4 13 ec:nh/gg/14.1



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Senate File 454 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1109)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to judicial branch practices and procedures,
- 2 including expanding the definition of a seal, eliminating
- 3 duties of the clerk of the supreme court, making confidential
- 4 personal information, and obtaining electronic signatures on
- 5 citations.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLBS 1268SV 82
- 8 jm/sh/8



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Senate File 454 - Introduced continued

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1 1 Section 1. Section 4.1, subsection 28, Code 2007, is
1 2 amended to read as follows:

1 3 28. SEAL. Where the seal of a court, public office ~~or,~~
1 4 public officer, or public or private corporation, may be
1 5 required to be affixed to any paper, the word "seal" shall
1 6 include an impression upon the paper alone, ~~as well as~~ or upon
1 7 wax or a wafer affixed ~~thereto~~ to the paper, or an official
1 8 ink stamp if a notarial seal. If the seal of a court is
1 9 required, the word "seal" may also include a visible
1 10 electronic image of the seal on an electronic document.

1 11 Sec. 2. Section 602.4301, subsection 2, Code 2007, is
1 12 amended to read as follows:

1 13 2. The clerk of the supreme court shall have an office at
1 14 the seat of government, shall keep a complete record of the
1 15 proceedings of the court, and shall not allow an opinion filed
1 16 in the office to be removed. Opinions shall be open to
1 17 examination and, upon request, may be copied and certified.
1 18 ~~The clerk promptly shall announce by mail to one of the~~
1 19 ~~attorneys on each side any ruling made or decision rendered,~~
1 20 ~~shall record every opinion rendered as soon as filed, shall~~
1 21 ~~mail a copy of each opinion rendered to each attorney of~~
1 22 ~~record and to each party not represented by counsel, and The~~
1 23 clerk shall also perform all other duties pertaining to the
1 24 office of clerk.

1 25 Sec. 3. Section 602.6111, subsection 3, Code 2007, is
1 26 amended by striking the subsection and inserting in lieu
1 27 thereof the following:

1 28 3. The supreme court may prescribe rules or issue
1 29 directives requiring confidentiality of certain categories of
1 30 personal identification and financial account information
1 31 filed with the clerk of the district court or the clerk of the
1 32 supreme court. The rules prescribed or directives issued
1 33 pursuant to this subsection may specify the manner and format
1 34 in which confidential information is to be provided to the
1 35 clerk, authorize the disclosure of confidential information to



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2 1 certain persons, and specify the manner and format in which
2 2 the confidential information is stored and disclosed by the
2 3 clerk. Rules prescribed or directives issued pursuant to this
2 4 subsection shall prevail over any other state laws and
2 5 administrative rules.

2 6 Sec. 4. Section 805.6, subsection 1, unnumbered paragraph
2 7 3, Code 2007, is amended to read as follows:

2 8 Notwithstanding other contrary requirements of this
2 9 section, a uniform citation and complaint may be originated
2 10 from a computerized device. The officer issuing the citation
2 11 through a computerized device shall electronically sign and
2 12 date the citation or complaint and shall obtain electronically
2 13 the signature of the person cited as provided in section 805.3
2 14 and shall give two copies of the citation to the person cited
2 15 and shall provide a record of the citation to the court where
2 16 the person cited is to appear and to the law enforcement
2 17 agency of the officer by an electronic process which
2 18 accurately reproduces or forms a durable medium for accurately
2 19 and legibly reproducing an unaltered image or copy of the
2 20 citation.

2 21 EXPLANATION

2 22 This bill relates to judicial branch practices and
2 23 procedures, including expanding the definition of a seal,
2 24 eliminating duties of the clerk of the supreme court, making
2 25 confidential some personal information, and using electronic
2 26 signatures on citations.

2 27 The bill provides that the court may use a seal that
2 28 affixes a visible electronic image of the seal upon an
2 29 electronic document. Current law requires the court to use a
2 30 seal that includes an impression upon paper or upon wax or a
2 31 wafer affixed to the paper.

2 32 The bill eliminates the requirement that the clerk of the
2 33 supreme court mail a copy of any ruling or opinion issued by
2 34 the supreme court or court of appeals to the attorneys arguing
2 35 the case, or to each party not represented by an attorney.



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3 1 Under the bill, the supreme court may prescribe a rule or
3 2 issue a directive requiring confidentiality of certain
3 3 categories of personal identification and financial account
3 4 information filed with the clerk of the district court or the
3 5 clerk of the supreme court. The bill provides the rule or
3 6 directive may specify the manner and format in which the
3 7 confidential information is to be provided to or disseminated
3 8 by the clerk. The bill also provides that the rule or
3 9 directive prescribed by the supreme court shall prevail over
3 10 any other state laws and administrative rules.
3 11 The bill requires a peace officer issuing a citation
3 12 through a computerized device to electronically sign and date
3 13 the citation or complaint. Current law provides that if a
3 14 peace officer issues a citation through a computerized device,
3 15 only the person cited for the violation is required to sign
3 16 electronically.
3 17 LSB 1268SV 82
3 18 jm:rj/sh/8



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Senate File 455 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1085)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act restricting the presence of a registered sex offender on
- 2 the real property comprising a school or child care facility
- 3 and providing a penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1858SV 82
- 6 jm/je/5



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Senate File 455 - Introduced continued

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1 1 Section 1. NEW SECTION. 692.3A PRESENCE ON THE REAL
1 2 PROPERTY COMPRISING A SCHOOL OR CHILD CARE FACILITY ==
1 3 RESTRICTION.
1 4 1. A person required to register under this chapter who
1 5 has been convicted of a criminal offense against a minor, or
1 6 an offense involving a minor that is an aggravated offense,
1 7 sexually violent offense, or other relevant offense, shall not
1 8 be knowingly present on the real property comprising a public
1 9 or nonpublic elementary or secondary school or child care
1 10 facility, unless subsection 2 applies or any of the following
1 11 apply:
1 12 a. The person is transporting a minor who is a child of
1 13 the person to or from the school or child care facility.
1 14 b. The person is attending a parent=teacher conference
1 15 regarding a minor who is a child of the person.
1 16 c. The person has been summoned to discuss the academic or
1 17 social progress of a minor who is a child of the person.
1 18 d. The person is voting at the school or child care
1 19 facility during the hours designated to vote.
1 20 2. If the person intends to be present for any other
1 21 reason not enumerated in subsection 1, the person shall first
1 22 notify the administrative offices of the public or nonpublic
1 23 elementary or secondary school or child care facility that the
1 24 person intends to be present on the real property comprising
1 25 the school or child care facility, and the person shall
1 26 receive written permission from the school or child care
1 27 facility prior to entering onto the real property comprising
1 28 the school or child care facility.
1 29 3. A person who commits a violation of this section
1 30 commits an aggravated misdemeanor.
1 31 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 32 3, shall not apply to this Act.
1 33 EXPLANATION
1 34 This bill restricts the presence of a registered sex
1 35 offender on or near the real property comprising a school or



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Senate File 455 - Introduced continued

2 1 child care facility.

2 2 The bill provides that a registered sex offender who has
2 3 been convicted of a criminal offense against a minor, or an
2 4 offense involving a minor that is an aggravated offense,
2 5 sexually violent offense, or other relevant offense, shall not
2 6 be present on the real property comprising a public or
2 7 nonpublic elementary or secondary school or child care
2 8 facility. However, the bill provides exceptions: (1) a sex
2 9 offender may be present on school or child care facility
2 10 property if the sex offender is transporting the offender's
2 11 child to or from school or a child care facility, the offender
2 12 is attending a parent=teacher conference, the sex offender is
2 13 summoned to discuss the academic or social progress of the
2 14 offender's child, or the sex offender is voting in an election
2 15 during the designated hours to vote; (2) if a sex offender is
2 16 to be present on the real property of a school or child care
2 17 facility for any other reason, the sex offender must first
2 18 receive written permission from the administration of the
2 19 school or child care facility prior to entering onto the
2 20 property.

2 21 A person who violates the bill commits an aggravated
2 22 misdemeanor.

2 23 An aggravated misdemeanor is punishable by confinement for
2 24 no more than two years and a fine of at least \$625 but not
2 25 more than \$6,250.

2 26 The bill may include a state mandate as defined in Code
2 27 section 25B.3. The bill makes inapplicable Code section
2 28 25B.2, subsection 3, which would relieve a political
2 29 subdivision from complying with a state mandate if funding for
2 30 the cost of the state mandate is not provided or specified.
2 31 Therefore, political subdivisions are required to comply with
2 32 any state mandate included in the bill.

2 33 LSB 1858SV 82

2 34 jm:rj/je/5



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Senate File 456 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1050)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the issuance of temporary orders modifying an
- 2 order of child support or custody.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1258SV 82
- 5 pf/je/5



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Senate File 456 - Introduced continued

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1 1 Section 1. Section 598.21C, Code 2007, is amended to read
1 2 as follows:
1 3 598.21C MODIFICATION OF CHILD SUPPORT, SPOUSAL SUPPORT, OR
1 4 MEDICAL SUPPORT, AND CHILD CUSTODY ORDERS.
1 5 1. CRITERIA FOR MODIFICATION. Subject to 28 U.S.C. }
1 6 1738B, the court may subsequently modify child, spousal, or
1 7 medical support orders when there is a substantial change in
1 8 circumstances. In determining whether there is a substantial
1 9 change in circumstances, the court shall consider the
1 10 following:
1 11 a. Changes in the employment, earning capacity, income, or
1 12 resources of a party.
1 13 b. Receipt by a party of an inheritance, pension, or other
1 14 gift.
1 15 c. Changes in the medical expenses of a party.
1 16 d. Changes in the number or needs of dependents of a
1 17 party.
1 18 e. Changes in the physical, mental, or emotional health of
1 19 a party.
1 20 f. Changes in the residence of a party.
1 21 g. Remarriage of a party.
1 22 h. Possible support of a party by another person.
1 23 i. Changes in the physical, emotional, or educational
1 24 needs of a child whose support is governed by the order.
1 25 j. Contempt by a party of existing orders of court.
1 26 k. Entry of a dispositional or permanency order in
1 27 juvenile court pursuant to chapter 232 placing custody or
1 28 physical care of a child with a party who is obligated to pay
1 29 support for a child. Any filing fees or court costs for a
1 30 modification filed or ordered pursuant to this paragraph are
1 31 waived.
1 32 l. Other factors the court determines to be relevant in an
1 33 individual case.
1 34 2. ADDITIONAL CRITERIA FOR MODIFICATION OF CHILD SUPPORT
1 35 ORDERS.



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2 1 a. Subject to 28 U.S.C. } 1738B, but notwithstanding
2 2 subsection 1, a substantial change of circumstances exists
2 3 when the court order for child support varies by ten percent
2 4 or more from the amount which would be due pursuant to the
2 5 most current child support guidelines established pursuant to
2 6 section 598.21B or the obligor has access to a health benefit
2 7 plan, the current order for support does not contain
2 8 provisions for medical support, and the dependents are not
2 9 covered by a health benefit plan provided by the obligee,
2 10 excluding coverage pursuant to chapter 249A or a comparable
2 11 statute of a foreign jurisdiction.

2 12 b. This basis for modification is applicable to petitions
2 13 filed on or after July 1, 1992, notwithstanding whether the
2 14 guidelines prescribed by section 598.21B were used in
2 15 establishing the current amount of support. Upon application
2 16 for a modification of an order for child support for which
2 17 services are being received pursuant to chapter 252B, the
2 18 court shall set the amount of child support based upon the
2 19 most current child support guidelines established pursuant to
2 20 section 598.21B, including provisions for medical support
2 21 pursuant to chapter 252E. The child support recovery unit
2 22 shall, in submitting an application for modification,
2 23 adjustment, or alteration of an order for support, employ
2 24 additional criteria and procedures as provided in chapter 252H
2 25 and as established by rule.

2 26 3. APPLICABLE LAW. Unless otherwise provided pursuant to
2 27 28 U.S.C. } 1738B, a modification of a support order entered
2 28 under chapter 234, 252A, 252C, 600B, this chapter, or any
2 29 other support chapter or proceeding between parties to the
2 30 order is void unless the modification is approved by the
2 31 court, after proper notice and opportunity to be heard is
2 32 given to all parties to the order, and entered as an order of
2 33 the court. If support payments have been assigned to the
2 34 department of human services pursuant to section 234.39,
2 35 239B.6, or 252E.11, or if services are being provided pursuant



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3 1 to chapter 252B, the department is a party to the support
3 2 order.

3 3 3A. MODIFICATION OF CHILD CUSTODY ORDERS. Modifications
3 4 of orders pertaining to child custody shall be made pursuant
3 5 to chapter 598B. If the petition for a modification of an
3 6 order pertaining to child custody asks either for joint
3 7 custody or that joint custody be modified to an award of sole
3 8 custody, the modification, if any, shall be made pursuant to
3 9 section 598.41.

3 10 3B. TEMPORARY MODIFICATION OF CHILD SUPPORT OR CHILD
3 11 CUSTODY ORDERS. While an application for modification of a
3 12 child support or child custody order is pending, the court
3 13 may, on its own motion or upon application by either party,
3 14 enter a temporary order modifying an order of child support or
3 15 child custody. The court may enter such temporary order only
3 16 after service of the original notice, and an order shall not
3 17 be entered until at least five days' notice of hearing, and
3 18 opportunity to be heard, is provided to all parties. In
3 19 entering temporary orders under this subsection, the court
3 20 shall consider all pertinent matters, which may be
3 21 demonstrated by affidavits, as the court may direct. The
3 22 hearing on the application shall be limited to matters set
3 23 forth in the application, the affidavits of the parties, and
3 24 the required statements of income. The court shall not hear
3 25 any other matter relating to the application for modification,
3 26 respondent's answer, or any pleadings connected with the
3 27 application for modification or the answer.

3 28 4. RETROACTIVITY OF MODIFICATION. Judgments for child
3 29 support or child support awards entered pursuant to this
3 30 chapter, chapter 234, 252A, 252C, 252F, 600B, or any other
3 31 chapter of the Code which are subject to a modification
3 32 proceeding may be retroactively modified only from three
3 33 months after the date the notice of the pending petition for
3 34 modification is served on the opposing party. The three-month
3 35 limitation applies to a modification action pending on or



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4 1 after July 1, 1997. The prohibition of retroactive
4 2 modification does not bar the child support recovery unit from
4 3 obtaining orders for accrued support for previous time
4 4 periods. Any retroactive modification which increases the
4 5 amount of child support or any order for accrued support under
4 6 this subsection shall include a periodic payment plan. A
4 7 retroactive modification shall not be regarded as a
4 8 delinquency unless there are subsequent failures to make
4 9 payments in accordance with the periodic payment plan.

4 10 5. MODIFICATION OF PERIODIC DUE DATE. The periodic due
4 11 date established under a prior order for payment of child
4 12 support shall not be changed in any modified order under this
4 13 section, unless the court determines that good cause exists to
4 14 change the periodic due date. If the court determines that
4 15 good cause exists, the court shall include the rationale for
4 16 the change in the modified order and shall address the issue
4 17 of reconciliation of any payments due or made under a prior
4 18 order which would result in payment of the child support
4 19 obligation under both the prior and the modified orders.

4 20 6. MODIFICATION BY CHILD SUPPORT RECOVERY UNIT.
4 21 Notwithstanding any other provision of law to the contrary,
4 22 when an application for modification or adjustment of support
4 23 is submitted by the child support recovery unit, the sole
4 24 issues which may be considered by the court in that action are
4 25 the application of the guidelines in establishing the amount
4 26 of support pursuant to section 598.21B, and provision for
4 27 medical support under chapter 252E. When an application for a
4 28 cost-of-living alteration of support is submitted by the child
4 29 support recovery unit pursuant to section 252H.24, the sole
4 30 issue which may be considered by the court in the action is
4 31 the application of the cost-of-living alteration in
4 32 establishing the amount of child support. Issues related to
4 33 custody, visitation, or other provisions unrelated to support
4 34 shall be considered only under a separate application for
4 35 modification.



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Senate File 457 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1214)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the rights of peace officers and public safety
- 2 and emergency personnel.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1993SV 82
- 5 jm/es/88



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Senate File 457 - Introduced continued

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1 1 Section 1. NEW SECTION. 80F.1 PEACE OFFICER, PUBLIC
1 2 SAFETY, AND EMERGENCY PERSONNEL BILL OF RIGHTS.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Complaint" means a formal written complaint signed by
1 6 the complainant or an oral statement by the officer receiving
1 7 the complaint stating the complainant's knowledge of the
1 8 allegation.
1 9 b. "Formal administrative investigation" means an
1 10 investigative process ordered by a commanding officer of an
1 11 agency or commander's designee during which the questioning of
1 12 an officer is intended to gather evidence to determine the
1 13 merit of a complaint which may be the basis for seeking
1 14 removal, discharge, or suspension, or other disciplinary
1 15 action against the officer.
1 16 c. "Informal inquiry" means a meeting by supervisory or
1 17 command personnel with an officer who is the subject of an
1 18 allegation, for the purpose of resolving the allegation or
1 19 determining whether a formal administrative investigation
1 20 should be commenced.
1 21 d. "Interview" means the questioning of an officer who is
1 22 the subject of a complaint pursuant to the formal
1 23 administrative investigation procedures of the investigating
1 24 agency, if such a complaint may be the basis for seeking
1 25 removal, discharge, or suspension, or other disciplinary
1 26 action against the officer. "Interview" does not include
1 27 questioning as part of any informal inquiry or questioning
1 28 related to minor infractions of agency rules which will not
1 29 result in removal, discharge, suspension, or other
1 30 disciplinary action against the officer.
1 31 e. "Officer" means a certified law enforcement officer,
1 32 fire fighter, emergency medical technician, corrections
1 33 officer, detention officer, jailer, communications officer, or
1 34 any other law enforcement officer certified by the Iowa law
1 35 enforcement academy and employed by a municipality, county, or



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2 1 state agency.

2 2 f. "Statement" means the statement of the officer who is
2 3 the subject of an allegation in response to a complaint.

2 4 2. This section is not applicable to a criminal
2 5 investigation of an officer.

2 6 3. A formal administrative investigation of an officer
2 7 shall be commenced and completed in a reasonable period of
2 8 time and an officer shall be immediately notified of the
2 9 results of the investigation when the investigation is
2 10 completed.

2 11 4. An officer shall not be compelled to submit to a
2 12 polygraph examination against the will of the officer except
2 13 as otherwise provided in section 730.4, subsection 3.

2 14 5. Prior to an interview, the officer who is the subject
2 15 of the complaint shall be given a copy of the complaint. An
2 16 officer being interviewed shall be advised by the interviewer
2 17 that the officer shall answer the questions and be advised
2 18 that the answers shall not be used against the officer in any
2 19 subsequent criminal proceeding. The interview may be
2 20 electronically recorded upon request of the officer being
2 21 interviewed. If legal counsel or a union representative is
2 22 not present with the officer during an interview, the
2 23 interview shall be electronically recorded.

2 24 6. The officer shall have the right to have legal counsel
2 25 or a union representative present during the interview of the
2 26 officer, at the expense of that officer.

2 27 7. If a formal administrative investigation results in the
2 28 removal, discharge, or suspension, or other disciplinary
2 29 action against an officer, copies of any witness statements
2 30 and the investigative agency's report shall be provided to the
2 31 officer, upon the request of the officer.

2 32 8. An interview shall be conducted at any facility of the
2 33 investigating agency.

2 34 9. If an interview is conducted while an officer is off
2 35 duty, the officer shall be compensated as provided in the



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- 3 1 applicable collective bargaining agreement.
- 3 2 10. If a complaint is determined to be intentionally
3 3 false, the investigating officer shall be responsible for
3 4 filing the necessary paperwork with the county attorney's
3 5 office in order for the county attorney to make a
3 6 determination as to whether to charge the person with making a
3 7 false report in violation of section 718.6.
- 3 8 11. An officer shall have the right to bring a civil suit
3 9 against any person, agency, organization, business, or any
3 10 other legal entity for damages, including pecuniary damages,
3 11 arising out of the filing of a false complaint against the
3 12 officer.
- 3 13 12. Notwithstanding any other law to the contrary, an
3 14 officer shall not be denied the opportunity to be a candidate
3 15 for any elected office. An officer may be required, as a
3 16 condition of being a candidate, to take a leave of absence
3 17 during the campaign. If the officer is a candidate for county
3 18 sheriff, the officer shall take a leave of absence beginning
3 19 thirty days prior to the election.
- 3 20 13. An officer shall have the right, as any other citizen,
3 21 to engage in political activity except while on duty. An
3 22 officer shall not be required to engage in political activity
3 23 by the officer's agency, a representative of the officer's
3 24 agency, or any other agency.
- 3 25 14. An officer shall not be discharged, disciplined, or
3 26 threatened with discharge or discipline in retaliation for
3 27 exercising the rights of the officer enumerated in this
3 28 section.
- 3 29 15. The rights enumerated in this section are in addition
3 30 to any other rights granted pursuant to a collective
3 31 bargaining agreement or other applicable law.
- 3 32 16. An officer shall not have the officer's photograph
3 33 released publicly without the written permission of the
3 34 officer.
- 3 35 17. If the commanding officer or head of any formal



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4 1 administrative investigation violates the provisions of this
4 2 section while conducting an investigation, the governing body
4 3 shall reserve any punitive action taken pursuant to the
4 4 investigation, including a reprimand, and any information
4 5 obtained during the investigation shall be specifically
4 6 excluded from introduction into evidence or from being used in
4 7 any way against the officer in any administrative proceeding
4 8 against the officer.

4 9 EXPLANATION

4 10 This bill relates to the rights of a peace officer and of
4 11 public safety and emergency personnel.

4 12 The bill defines "officer" to mean a certified law
4 13 enforcement officer, fire fighter, emergency medical
4 14 technician, corrections officer, detention officer, jailer,
4 15 communications officer, or any other law enforcement officer
4 16 certified by the Iowa law enforcement academy and employed by
4 17 a municipality, county, or state agency.

4 18 The bill provides that an officer shall not be compelled to
4 19 submit to a polygraph examination against the will of that
4 20 officer.

4 21 The bill provides that prior to being interviewed about a
4 22 complaint against the officer, the officer shall be provided a
4 23 copy of the complaint. The bill also provides that an officer
4 24 being interviewed about a complaint filed against the officer
4 25 shall be compelled to answer any questions and shall be
4 26 advised that any answers provided will not be used against the
4 27 officer in any criminal proceeding.

4 28 The bill provides that an officer shall have the right to
4 29 have legal counsel or a union representative present when the
4 30 officer is being interviewed about a complaint filed against
4 31 the officer.

4 32 Under the bill, if an interview of an officer about a
4 33 complaint occurs while the officer is off duty, the officer
4 34 shall be compensated as provided in any applicable collective
4 35 bargaining agreement.



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5 1 The bill provides that if a complaint filed against an
5 2 officer is determined to be false, the investigating officer
5 3 shall be responsible for forwarding the necessary paperwork to
5 4 the county attorney in order for the county attorney to
5 5 determine whether criminal charges should be filed.

5 6 The bill provides that an officer has the right to run for
5 7 political office, and shall have the right to engage in
5 8 political activity if not on duty. The bill also provides
5 9 that an officer shall not be required to engage in political
5 10 activity by the officer's agency or a representative of the
5 11 officer's agency.

5 12 LSB 1993SV 82

5 13 jm:nh/es/88



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Senate File 458 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 292)

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

A BILL FOR

1 An Act relating to under legal age consumption or possession of
2 an alcoholic beverage on certain property, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2293SV 82
6 jm/je/5



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1 1 Section 1. NEW SECTION. 123.47C UNDER LEGAL AGE
1 2 CONSUMPTION OR POSSESSION OF AN ALCOHOLIC BEVERAGE ON CERTAIN
1 3 REAL PROPERTY == PENALTY == LIABILITY.
1 4 1. As used in this section:
1 5 a. "Control" means any form of dominion including
1 6 ownership, tenancy, or other possessory right.
1 7 b. "Emergency responders" means the same as section
1 8 100B.21.
1 9 c. "Enforcement services" means the salaries and benefits
1 10 of emergency responders for the amount of time actually spent
1 11 responding to or remaining at a house party and administrative
1 12 costs attributable to the incident; the actual costs for
1 13 medical treatment for any injured emergency responder; and the
1 14 costs of repairing any damage to equipment or vehicles.
1 15 d. "House party" means a social gathering at a residence.
1 16 e. "Residence" means a hotel or motel room, home, yard,
1 17 apartment, condominium, or other dwelling unit, hall, or
1 18 meeting room.
1 19 2. A person who is in control of a residence that is not a
1 20 licensed premises, shall not knowingly permit a house party to
1 21 occur or continue to occur at the residence if a person who is
1 22 under legal age is consuming or possessing an alcoholic
1 23 beverage on such property.
1 24 3. The fact that a person having control of a residence is
1 25 present at the residence during the time a person under legal
1 26 age consumes or possesses an alcoholic beverage, shall be
1 27 considered prima facie evidence the person had knowledge the
1 28 person under legal age consumed or possessed an alcoholic
1 29 beverage on the property.
1 30 4. A person having control of a residence who violates
1 31 this section commits a simple misdemeanor punishable by a
1 32 scheduled fine under section 805.8C, subsection 8.
1 33 5. If a violation of this section occurs the person having
1 34 control of the residence shall be civilly liable for the cost
1 35 of providing enforcement services during a second or follow-up



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2 1 response by emergency responders after a warning has been
2 2 given to the person in control of the residence.
2 3 6. The state or a political subdivision does not waive its
2 4 right to seek reimbursement of enforcement services if a
2 5 criminal prosecution arises out of a violation of this
2 6 section.

2 7 7. This section does not apply to circumstances described
2 8 in section 123.47, subsection 2.

2 9 Sec. 2. Section 805.8C, Code 2007, is amended by adding
2 10 the following new subsection:

2 11 NEW SUBSECTION. 8. ALCOHOLIC BEVERAGE VIOLATIONS BY
2 12 PERSONS IN CONTROL OF RESIDENCE. For violations of section
2 13 123.47C, the scheduled fine is two hundred dollars.

2 14 EXPLANATION

2 15 This bill relates to under legal age consumption or
2 16 possession of an alcoholic beverage on certain property.

2 17 The bill provides that a person who is in control of a
2 18 residence that is not a licensed premises shall not knowingly
2 19 permit an under legal age person to consume or possess an
2 20 alcoholic beverage on such property.

2 21 Under the bill, a person having control of a residence who
2 22 is present at the residence during the time a person under
2 23 legal age consumes or possesses an alcoholic beverage is prima
2 24 facie evidence the person had knowledge the under legal age
2 25 person consumed or possessed an alcoholic beverage on the
2 26 property.

2 27 The bill defines "control" to mean any form of dominion
2 28 including ownership, tenancy, or other possessory right.

2 29 The bill defines "residence" to mean a hotel or motel room,
2 30 home, yard, apartment, condominium, or other dwelling unit,
2 31 hall, or meeting room.

2 32 A person having control of a residence who violates the
2 33 bill commits a simple misdemeanor punishable by a scheduled
2 34 fine in the amount of \$200.

2 35 In addition, if a violation of the bill occurs the person



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3 1 having control of the residence shall be civilly liable for
3 2 the cost of providing enforcement services during a second or
3 3 follow-up response by emergency responders after a warning has
3 4 been given to the person in control of the residence.

3 5 The bill defines "enforcement services" to mean the
3 6 salaries and benefits of emergency responders for the amount
3 7 of time actually spent responding to or remaining at a
3 8 residence and administrative costs attributable to the
3 9 incident, the actual costs for medical treatment for any
3 10 injured emergency responder, and the costs of repairing any
3 11 damage to equipment or vehicles.

3 12 The bill does not apply to the following situations
3 13 described in Code section 123.47, subsection 2: an alcoholic
3 14 beverage dispensed in a private home to a person under legal
3 15 age with the presence and consent of the parent; an alcoholic
3 16 beverage dispensed for medical purposes; and an alcoholic
3 17 beverage possessed during the regular course of employment.

3 18 LSB 2293SV 82

3 19 jm:nh/je/5



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Senate File 459 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1136)

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

A BILL FOR

1 An Act replacing the interstate compact on the placement of
2 children with the interstate compact for the placement of
3 children, making a penalty applicable, and providing a
4 contingent effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1244SV 82
7 jp/je/5



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1 1 DIVISION I
1 2 REPLACEMENT COMPACT
1 3 Section 1. NEW SECTION. 232.169 INTERSTATE COMPACT FOR
1 4 THE PLACEMENT OF CHILDREN.
1 5 The interstate compact for the placement of children is
1 6 enacted into law and entered into with all other jurisdictions
1 7 legally joining the compact in the form substantially as
1 8 follows:
1 9 ARTICLE I == PURPOSE
1 10 The purpose of this interstate compact for the placement of
1 11 children is to do all of the following:
1 12 1. Provide a process through which children subject to
1 13 this compact are placed in safe and suitable homes in a timely
1 14 manner.
1 15 2. Facilitate ongoing supervision of a placement, the
1 16 delivery of services, and communication between the states.
1 17 3. Provide operating procedures that will ensure that
1 18 children are placed in safe and suitable homes in a timely
1 19 manner.
1 20 4. Provide for the promulgation and enforcement of
1 21 administrative rules implementing the provisions of this
1 22 compact and regulating the covered activities of the member
1 23 states.
1 24 5. Provide for uniform data collection and information
1 25 sharing between member states under this compact.
1 26 6. Promote coordination between this compact, the
1 27 interstate compact for juveniles, the interstate compact on
1 28 adoption and medical assistance, and other compacts affecting
1 29 the placement of and which provide services to children
1 30 otherwise subject to this compact.
1 31 7. Provide for a state's continuing legal jurisdiction and
1 32 responsibility for placement and care of a child that the
1 33 state would have had if the placement were intrastate.
1 34 8. Provide for the promulgation of guidelines, in
1 35 collaboration with Indian tribes, for interstate cases



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2 1 involving Indian children as is or may be permitted by federal
2 2 law.

2 3 ARTICLE II == DEFINITIONS

2 4 As used in this compact:

2 5 1. "Approved placement" means the receiving state has
2 6 determined after an assessment that the placement is both safe
2 7 and suitable for the child and is in compliance with the
2 8 applicable laws of the receiving state governing the placement
2 9 of children in that state.

2 10 2. "Assessment" means an evaluation of a prospective
2 11 placement to determine whether the placement meets the
2 12 individualized needs of the child, including but not limited
2 13 to the child's safety and stability, health and well-being,
2 14 and mental, emotional, and physical development.

2 15 3. "Child" means an individual who has not attained the
2 16 age of eighteen.

2 17 4. "Default" means the failure of a member state to
2 18 perform the obligations or responsibilities imposed upon it by
2 19 this compact, or the bylaws or rules of the interstate
2 20 commission.

2 21 5. "Indian tribe" means any Indian tribe, band, nation, or
2 22 other organized group or community of Indians recognized as
2 23 eligible for services provided to Indians by the secretary of
2 24 the interior because of their status as Indians, including any
2 25 Alaskan native village as defined in section 3, subsection
2 26 (c), of the federal Alaska Native Claims Settlement Act in 43
2 27 U.S.C. } 1602(c).

2 28 6. "Interstate commission for the placement of children"
2 29 means the commission that is created under article VIII of
2 30 this compact and which is generally referred to as the
2 31 interstate commission.

2 32 7. "Jurisdiction" means the power and authority of a court
2 33 to hear and decide matters.

2 34 8. "Member state" means a state that has enacted this
2 35 compact.



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3 1 9. "Noncustodial parent" means a person who, at the time
3 2 of the commencement of court proceedings in the sending state,
3 3 does not have sole legal custody of the child or has joint
3 4 legal custody of the child, and who is not the subject of
3 5 allegations or findings of child abuse or neglect.

3 6 10. "Nonmember state" means a state that has not enacted
3 7 this compact.

3 8 11. "Notice of residential placement" means information
3 9 regarding a placement into a residential facility provided to
3 10 the receiving state including but not limited to the name,
3 11 date, and place of birth of the child, the identity and
3 12 address of the parent or legal guardian, evidence of authority
3 13 to make the placement, and the name and address of the
3 14 facility in which the child will be placed. "Notice of
3 15 residential placement" shall also include information
3 16 regarding a discharge and any unauthorized absence from the
3 17 facility.

3 18 12. "Placement" means the act by a public or private
3 19 child=placing agency intended to arrange for the care or
3 20 custody of a child in another state.

3 21 13. "Private child=placing agency" means any private
3 22 corporation, agency, foundation, institution, or charitable
3 23 organization, or any private person or attorney that
3 24 facilitates, causes, or is involved in the placement of a
3 25 child from one state to another and that is not an
3 26 instrumentality of the state or acting under color of state
3 27 law.

3 28 14. "Provisional placement" means that the receiving state
3 29 has determined that the proposed placement is safe and
3 30 suitable, and, to the extent allowable, the receiving state
3 31 has temporarily waived its standards or requirements otherwise
3 32 applicable to prospective foster or adoptive parents so as to
3 33 not delay the placement. Completion of the receiving state
3 34 requirements regarding training for prospective foster or
3 35 adoptive parents shall not delay an otherwise safe and



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4 1 suitable placement.

4 2 15. "Public child-placing agency" means any government
4 3 child welfare agency or child protection agency or a private
4 4 entity under contract with such an agency, regardless of
4 5 whether the agency or entity acts on behalf of a state,
4 6 county, municipality, or other governmental unit and which
4 7 facilitates, causes, or is involved in the placement of a
4 8 child from one state to another.

4 9 16. "Receiving state" means the state to which a child is
4 10 sent, brought, or caused to be sent or brought.

4 11 17. "Relative" means someone who is related to the child
4 12 as a parent, stepparent, sibling by half or whole blood or by
4 13 adoption, grandparent, aunt, uncle, or first cousin or a
4 14 nonrelative with such significant ties to the child that the
4 15 nonrelative may be regarded as a relative as determined by the
4 16 court in the sending state.

4 17 18. "Residential facility" means a facility providing a
4 18 level of care that is sufficient to substitute for parental
4 19 responsibility or foster care, and is beyond what is needed
4 20 for assessment or treatment of an acute condition. For
4 21 purposes of the compact, residential facilities do not include
4 22 institutions primarily educational in character, hospitals, or
4 23 other medical facilities.

4 24 19. "Rule" means a written directive, mandate, standard,
4 25 or principle issued by the interstate commission promulgated
4 26 pursuant to article XI of this compact that is of general
4 27 applicability and that implements, interprets, or prescribes a
4 28 policy or provision of the compact. A "rule" has the force
4 29 and effect of statutory law in a member state, and includes
4 30 the amendment, repeal, or suspension of an existing rule.

4 31 20. "Sending state" means the state from which the
4 32 placement of a child is initiated.

4 33 21. "Service member's permanent duty station" means the
4 34 military installation where an active duty armed services
4 35 member is currently assigned and is physically located under



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5 1 competent orders that do not specify the duty as temporary.

5 2 22. "Service member's state of legal residence" means the
5 3 state in which the active duty armed services member is
5 4 considered a resident for tax and voting purposes.

5 5 23. "State" means a state of the United States, the
5 6 District of Columbia, the Commonwealth of Puerto Rico, the
5 7 U.S. Virgin Islands, Guam, American Samoa, the Northern
5 8 Marianas Islands, and any other territory of the United
5 9 States.

5 10 24. "State court" means a judicial body of a state that is
5 11 vested by law with responsibility for adjudicating cases
5 12 involving abuse, neglect, deprivation, delinquency, or status
5 13 offenses of individuals who have not attained the age of
5 14 eighteen.

5 15 25. "Supervision" means monitoring provided by the
5 16 receiving state once a child has been placed in a receiving
5 17 state pursuant to this compact.

5 18 ARTICLE III == APPLICABILITY

5 19 1. Except as otherwise provided in subsection 2, this
5 20 compact shall apply to:

5 21 a. The interstate placement of a child subject to ongoing
5 22 court jurisdiction in the sending state, due to allegations or
5 23 findings that the child has been abused, neglected, or
5 24 deprived as defined by the laws of the sending state,
5 25 provided, however, that the placement of such a child into a
5 26 residential facility shall only require notice of residential
5 27 placement to the receiving state prior to placement.

5 28 b. The interstate placement of a child adjudicated
5 29 delinquent or unmanageable based on the laws of the sending
5 30 state and subject to ongoing court jurisdiction of the sending
5 31 state if either of the following applies:

5 32 (1) The child is being placed in a residential facility in
5 33 another member state and is not covered under another compact.

5 34 (2) The child is being placed in another member state and
5 35 the determination of safety and suitability of the placement



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6 1 and services required is not provided through another compact.

6 2 c. The interstate placement of any child by a public
6 3 child=placing agency or private child=placing agency as
6 4 defined in this compact as a preliminary step to a possible
6 5 adoption.

6 6 2. The provisions of this compact shall not apply to:

6 7 a. The interstate placement of a child with a nonrelative
6 8 in a receiving state by a parent with the legal authority to
6 9 make such a placement provided, however, that the placement is
6 10 not intended to effectuate an adoption.

6 11 b. The interstate placement of a child by one relative
6 12 with the lawful authority to make such a placement directly
6 13 with a relative in a receiving state.

6 14 c. The placement of a child, not subject to subsection 1,
6 15 into a residential facility by the child's parent.

6 16 d. The placement of a child with a noncustodial parent
6 17 provided that all of the following apply:

6 18 (1) The noncustodial parent proves to the satisfaction of
6 19 a court in the sending state a substantial relationship with
6 20 the child.

6 21 (2) The court in the sending state makes a written finding
6 22 that placement with the noncustodial parent is in the best
6 23 interests of the child.

6 24 (3) The court in the sending state dismisses its
6 25 jurisdiction over the child's case.

6 26 e. A child entering the United States from a foreign
6 27 country for the purpose of adoption or leaving the United
6 28 States to go to a foreign country for the purpose of adoption
6 29 in that country.

6 30 f. Cases in which a United States citizen child living
6 31 overseas with the child's family, at least one of whom is in
6 32 the United States armed services, and who is stationed
6 33 overseas, is removed and placed in a state.

6 34 g. The sending of a child by a public child=placing agency
6 35 or a private child=placing agency for a visit as defined by



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7 1 the rules of the interstate commission.
7 2 3. For purposes of determining the applicability of this
7 3 compact to the placement of a child with a family in the armed
7 4 services, the public child-placing agency or private
7 5 child-placing agency may choose the state of the service
7 6 member's permanent duty station or the service member's
7 7 declared legal residence.

7 8 4. Nothing in this compact shall be construed to prohibit
7 9 the concurrent application of the provisions of this compact
7 10 with other applicable interstate compacts including the
7 11 interstate compact for juveniles and the interstate compact on
7 12 adoption and medical assistance. The interstate commission
7 13 may, in cooperation with other interstate compact commissions
7 14 having responsibility for the interstate movement, placement,
7 15 or transfer of children, promulgate like rules to ensure the
7 16 coordination of services, timely placement of children, and
7 17 the reduction of unnecessary or duplicative administrative or
7 18 procedural requirements.

7 19 ARTICLE IV == JURISDICTION

7 20 1. The sending state shall retain jurisdiction over a
7 21 child with respect to all matters of custody and disposition
7 22 of the child which it would have had if the child had remained
7 23 in the sending state. Such jurisdiction shall also include
7 24 the power to order the return of the child to the sending
7 25 state.

7 26 2. When an issue of child protection or custody is brought
7 27 before a court in the receiving state, such court shall confer
7 28 with the court of the sending state to determine the most
7 29 appropriate forum for adjudication.

7 30 3. In accordance with its own laws, the court in the
7 31 sending state shall have authority to terminate its
7 32 jurisdiction if any of the following applies:

7 33 a. The child is reunified with the parent in the receiving
7 34 state who is the subject of allegations or findings of abuse
7 35 or neglect, only with the concurrence of the public



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8 1 child=placing agency in the receiving state.
8 2 b. The child is adopted.
8 3 c. The child reaches the age of majority under the laws of
8 4 the sending state.
8 5 d. The child achieves legal independence pursuant to the
8 6 laws of the sending state.
8 7 e. A guardianship is created by a court in the receiving
8 8 state with the concurrence of the court in the sending state.
8 9 f. An Indian tribe has petitioned for and received
8 10 jurisdiction from the court in the sending state.
8 11 g. The public child=placing agency of the sending state
8 12 requests termination and has obtained the concurrence of the
8 13 public child=placing agency in the receiving the state.
8 14 4. When a sending state court terminates its jurisdiction,
8 15 the receiving state child=placing agency shall be notified.
8 16 5. Nothing in this article shall defeat a claim of
8 17 jurisdiction by a receiving state court sufficient to deal
8 18 with an act of truancy, delinquency, crime, or behavior
8 19 involving a child as defined by the laws of the receiving
8 20 state committed by the child in the receiving state which
8 21 would be a violation of its laws.
8 22 6. Nothing in this article shall limit the receiving
8 23 state's ability to take emergency jurisdiction for the
8 24 protection of the child.

8 25 ARTICLE V == ASSESSMENTS

8 26 1. Prior to sending, bringing, or causing a child to be
8 27 sent or brought into a receiving state, the public
8 28 child=placing agency shall provide a written request for
8 29 assessment to the receiving state.
8 30 2. Prior to the sending, bringing, or causing a child to
8 31 be sent or brought into a receiving state, the private
8 32 child=placing agency shall do all of the following:
8 33 a. Provide evidence that the applicable laws of the
8 34 sending state have been complied with.
8 35 b. Certify that the consent or relinquishment is in
9 1 compliance with applicable law of the birth parent's state of
9 2 residence or, where permitted, the laws of the state of where
9 3 the finalization of the adoption will occur.
9 4 c. Request through the public child=placing agency in the
9 5 sending state an assessment to be conducted in the receiving
9 6 state.
9 7 d. Upon completion of the assessment, obtain the approval
9 8 of the public child=placing agency in the receiving state.
9 9 3. The procedures for making and the request for an
9 10 assessment shall contain all information and be in such form
9 11 as provided for in the rules of the interstate commission.
9 12 4. Upon receipt of a request from the public child welfare
9 13 agency of the sending state, the receiving state shall
9 14 initiate an assessment of the proposed placement to determine
9 15 its safety and suitability. If the proposed placement is a
9 16 placement with a relative, the public child=placing agency of
9 17 the sending state may request a determination of whether the
9 18 placement qualifies as a provisional placement.
9 19 5. The public child=placing agency in the receiving state
9 20 may request from the public child=placing agency or the
9 21 private child=placing agency in the sending state, and shall



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9 22 be entitled to receive, supporting or additional information
9 23 necessary to complete the assessment.
9 24 6. The public child-placing agency in the receiving state
9 25 shall complete or arrange for the completion of the assessment
9 26 within the timeframes established by the rules of the
9 27 interstate commission.
9 28 7. The interstate commission may develop uniform standards
9 29 for the assessment of the safety and suitability of interstate
9 30 placements.
9 31 ARTICLE VI == PLACEMENT AUTHORITY
9 32 1. Except as provided in subsection 3, no child subject to
9 33 this compact shall be placed into a receiving state until
9 34 approval for such placement is obtained.
9 35 2. If the public child-placing agency in the receiving



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10 1 state does not approve the proposed placement, then the child
10 2 shall not be placed. The receiving state shall provide
10 3 written documentation of any such determination in accordance
10 4 with the rules promulgated by the interstate commission. Such
10 5 determination is not subject to judicial review in the sending
10 6 state.

10 7 3. If the proposed placement is not approved, any
10 8 interested party shall have standing to seek an administrative
10 9 review of the receiving state's determination.

10 10 a. The administrative review and any further judicial
10 11 review associated with the determination shall be conducted in
10 12 the receiving state pursuant to its applicable administrative
10 13 procedures.

10 14 b. If a determination not to approve the placement of the
10 15 child in the receiving state is overturned upon review, the
10 16 placement shall be deemed approved, provided, however that all
10 17 administrative or judicial remedies have been exhausted or the
10 18 time for such remedies has passed.

10 19 ARTICLE VII == STATE RESPONSIBILITY

10 20 1. For the interstate placement of a child made by a
10 21 public child=placing agency or state court:

10 22 a. The public child=placing agency in the sending state
10 23 shall have financial responsibility for both of the following:

10 24 (1) The ongoing support and maintenance for the child
10 25 during the period of the placement, unless otherwise provided
10 26 for in the receiving state.

10 27 (2) As determined by the public child=placing agency in
10 28 the sending state, services for the child beyond the public
10 29 services for which the child is eligible in the receiving
10 30 state.

10 31 b. The receiving state shall only have financial
10 32 responsibility for both of the following:

10 33 (1) Any assessment conducted by the receiving state.

10 34 (2) Supervision conducted by the receiving state at the
10 35 level necessary to support the placement as agreed upon by the



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11 1 public child=placing agencies of the receiving and sending
11 2 states.
11 3 c. Nothing in this provision shall prohibit public
11 4 child=placing agencies in the sending state from entering into
11 5 agreements with licensed agencies or persons in the receiving
11 6 state to conduct assessments and provide supervision.
11 7 2. For the placement of a child by a private child=placing
11 8 agency preliminary to a possible adoption, the private
11 9 child=placing agency shall be:
11 10 a. Legally responsible for the child during the period of
11 11 placement as provided for in the law of the sending state
11 12 until the finalization of the adoption.
11 13 b. Financially responsible for the child absent a
11 14 contractual agreement to the contrary.
11 15 3. A private child=placing agency shall be responsible for
11 16 any assessment conducted in the receiving state and any
11 17 supervision conducted by the receiving state at the level
11 18 required by the laws of the receiving state or the rules of
11 19 the interstate commission.
11 20 4. The public child=placing agency in the receiving state
11 21 shall provide timely assessments, as provided for in the rules
11 22 of the interstate commission.
11 23 5. The public child=placing agency in the receiving state
11 24 shall provide, or arrange for the provision of, supervision
11 25 and services for the child, including timely reports, during
11 26 the period of the placement.
11 27 6. Nothing in this compact shall be construed as to limit
11 28 the authority of the public child=placing agency in the
11 29 receiving state from contracting with a licensed agency or
11 30 person in the receiving state for an assessment or the
11 31 provision of supervision or services for the child or
11 32 otherwise authorizing the provision of supervision or services
11 33 by a licensed agency during the period of placement.
11 34 7. Each member state shall provide for coordination among
11 35 its branches of government concerning the state's



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12 1 participation in, and compliance with, the compact and
12 2 interstate commission activities through the creation of an
12 3 advisory council or use of an existing body or board.

12 4 8. Each member state shall establish a central state
12 5 compact office, which shall be responsible for state
12 6 compliance with the compact and the rules of the interstate
12 7 commission.

12 8 9. The public child-placing agency in the sending state
12 9 shall oversee compliance with the provisions of the federal
12 10 Indian Child Welfare Act, as codified in 25 U.S.C. } 1901 et
12 11 seq., for placements subject to the provisions of this
12 12 compact, prior to placement.

12 13 10. With the consent of the interstate commission, states
12 14 may enter into limited agreements that facilitate the timely
12 15 assessment and provision of services and supervision of
12 16 placements under this compact.

12 17 ARTICLE VIII == INTERSTATE COMMISSION
12 18 FOR THE PLACEMENT OF CHILDREN

12 19 The member states establish, by way of this compact, a
12 20 commission known as the "Interstate Commission for the
12 21 Placement of Children". The activities of the interstate
12 22 commission are the formation of public policy and are a
12 23 discretionary state function. The interstate commission
12 24 shall:

12 25 1. Be a joint commission of the member states and shall
12 26 have the responsibilities, powers, and duties set forth in
12 27 this article, and such additional powers as may be conferred
12 28 upon it by subsequent concurrent action of the respective
12 29 legislatures of the member states.

12 30 2. Consist of one commissioner from each member state who
12 31 shall be appointed by the executive head of the state human
12 32 services administration with ultimate responsibility for the
12 33 child welfare program. The appointed commissioner shall have
12 34 the legal authority to vote on policy-related matters governed
12 35 by this compact binding the state.



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- 13 1 a. Each member state represented at a meeting of the
13 2 interstate commission is entitled to one vote.
- 13 3 b. A majority of the member states shall constitute a
13 4 quorum for the transaction of business, unless a larger quorum
13 5 is required by the bylaws of the interstate commission.
- 13 6 c. A representative shall not delegate a vote to another
13 7 member state.
- 13 8 d. A representative may delegate voting authority to
13 9 another person from their state for a specified meeting.
- 13 10 3. In addition to the commissioners of each member state,
13 11 the interstate commission shall include persons who are
13 12 members of interested organizations as defined in the bylaws
13 13 or rules of the interstate commission. Such members shall be
13 14 ex officio and shall not be entitled to vote on any matter
13 15 before the interstate commission.
- 13 16 4. Establish an executive committee which shall have the
13 17 authority to administer the day-to-day operations and
13 18 administration of the interstate commission. The executive
13 19 committee shall not have the power to engage in rulemaking.
- 13 20 ARTICLE IX == POWERS AND DUTIES OF THE
13 21 INTERSTATE COMMISSION
- 13 22 The interstate commission shall have the following powers:
- 13 23 1. To promulgate rules and take all necessary actions to
13 24 effect the goals, purposes, and obligations as enumerated in
13 25 this compact.
- 13 26 2. To provide for dispute resolution among member states.
- 13 27 3. To issue, upon request of a member state, advisory
13 28 opinions concerning the meaning or interpretation of the
13 29 interstate compact, its bylaws, rules, or actions.
- 13 30 4. To enforce compliance with this compact or the bylaws
13 31 or rules of the interstate commission pursuant to article XII.
- 13 32 5. Collect standardized data concerning the interstate
13 33 placement of children subject to this compact as directed
13 34 through its rules which shall specify the data to be
13 35 collected, the means of collection, and data exchange and



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- 14 1 reporting requirements.
- 14 2 6. To establish and maintain offices as may be necessary
- 14 3 for the transacting of its business.
- 14 4 7. To purchase and maintain insurance and bonds.
- 14 5 8. To hire or contract for services of personnel or
- 14 6 consultants as necessary to carry out its functions under the
- 14 7 compact, and establish personnel qualification policies and
- 14 8 rates of compensation.
- 14 9 9. To establish and appoint committees and officers
- 14 10 including, but not limited to, an executive committee as
- 14 11 required by article X.
- 14 12 10. To accept any and all donations and grants of money,
- 14 13 equipment, supplies, materials, and services, and to receive,
- 14 14 utilize, and dispose of the donations.
- 14 15 11. To lease, purchase, accept contributions or donations
- 14 16 of, or otherwise to own, hold, improve, or use any property,
- 14 17 real, personal, or mixed.
- 14 18 12. To sell, convey, mortgage, pledge, lease, exchange,
- 14 19 abandon, or otherwise dispose of any property, real, personal,
- 14 20 or mixed.
- 14 21 13. To establish a budget and make expenditures.
- 14 22 14. To adopt a seal and bylaws governing the management
- 14 23 and operation of the interstate commission.
- 14 24 15. To report annually to the legislatures, governors,
- 14 25 judiciary, and state advisory councils of the member states
- 14 26 concerning the activities of the interstate commission during
- 14 27 the preceding year. Such reports shall also include any
- 14 28 recommendations that may have been adopted by the interstate
- 14 29 commission.
- 14 30 16. To coordinate and provide education, training, and
- 14 31 public awareness regarding the interstate movement of children
- 14 32 for officials involved in such activity.
- 14 33 17. To maintain books and records in accordance with the
- 14 34 bylaws of the interstate commission.
- 14 35 18. To perform such functions as may be necessary or



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15 1 appropriate to achieve the purposes of this compact.
15 2 ARTICLE X == ORGANIZATION AND OPERATION
15 3 OF THE INTERSTATE COMMISSION
15 4 1. BYLAWS.
15 5 a. Within twelve months after the first interstate
15 6 commission meeting, the interstate commission shall adopt
15 7 bylaws to govern its conduct as may be necessary or
15 8 appropriate to carry out the purposes of the compact.
15 9 b. The interstate commission's bylaws and rules shall
15 10 establish conditions and procedures under which the interstate
15 11 commission shall make its information and official records
15 12 available to the public for inspection or copying. The
15 13 interstate commission may exempt from disclosure information
15 14 or official records to the extent they would adversely affect
15 15 personal privacy rights or proprietary interests.
15 16 2. MEETINGS.
15 17 a. The interstate commission shall meet at least once each
15 18 calendar year. The chairperson may call additional meetings
15 19 and, upon the request of a simple majority of the member
15 20 states, shall call additional meetings.
15 21 b. Public notice shall be given by the interstate
15 22 commission of all meetings and all meetings shall be open to
15 23 the public, except as set forth in the rules or as otherwise
15 24 provided in the compact. The interstate commission and its
15 25 committees may close a meeting, or portion of a meeting, where
15 26 it determines by two-thirds vote that an open meeting would be
15 27 likely to do any of the following:
15 28 (1) Relate solely to the interstate commission's internal
15 29 personnel practices and procedures.
15 30 (2) Disclose matters specifically exempted from disclosure
15 31 by federal law.
15 32 (3) Disclose financial or commercial information which is
15 33 privileged, proprietary, or confidential in nature.
15 34 (4) Involve accusing a person of a crime, or formally
15 35 censuring a person.



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16 1 (5) Disclose information of a personal nature where
16 2 disclosure would constitute a clearly unwarranted invasion of
16 3 personal privacy or physically endanger one or more persons.
16 4 (6) Disclose investigative records compiled for law
16 5 enforcement purposes.
16 6 (7) Specifically relate to the interstate commission's
16 7 participation in a civil action or other legal proceeding.
16 8 c. For a meeting, or portion of a meeting, closed pursuant
16 9 to this subsection, the interstate commission's legal counsel
16 10 or designee shall certify that the meeting may be closed and
16 11 shall reference each relevant exemption provision. The
16 12 interstate commission shall keep minutes which shall fully and
16 13 clearly describe all matters discussed in a meeting and shall
16 14 provide a full and accurate summary of actions taken, and the
16 15 reasons for the actions, including a description of the views
16 16 expressed and the record of a roll call vote. All documents
16 17 considered in connection with an action shall be identified in
16 18 such minutes. All minutes and documents of a closed meeting
16 19 shall remain under seal, subject to release by a majority vote
16 20 of the interstate commission or by court order.
16 21 d. The bylaws may provide for meetings of the interstate
16 22 commission to be conducted by telecommunication or other
16 23 electronic communication.
16 24 3. OFFICERS AND STAFF.
16 25 a. The interstate commission may, through its executive
16 26 committee, appoint or retain a staff director for such period,
16 27 upon such terms and conditions and for such compensation as
16 28 the interstate commission may deem appropriate. The staff
16 29 director shall serve as secretary to the interstate
16 30 commission, but shall not have a vote. The staff director may
16 31 hire and supervise such other staff as may be authorized by
16 32 the interstate commission.
16 33 b. The interstate commission shall elect, from among its
16 34 members, a chairperson and a vice chairperson of the executive
16 35 committee and other necessary officers, each of whom shall



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17 1 have such authority and duties as may be specified in the
17 2 bylaws.

17 3 4. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.

17 4 a. The interstate commission's staff director and its
17 5 employees shall be immune from suit and liability, either
17 6 personally or in their official capacity, for a claim for
17 7 damage to or loss of property or personal injury or other
17 8 civil liability caused or arising out of or relating to an
17 9 actual or alleged act, error, or omission that occurred, or
17 10 that such person had a reasonable basis for believing
17 11 occurred, within the scope of interstate commission
17 12 employment, duties, or responsibilities; provided, that such
17 13 person shall not be protected from suit or liability for
17 14 damage, loss, injury, or liability caused by a criminal act or
17 15 the intentional or willful and wanton misconduct of such
17 16 person.

17 17 b. The liability of the interstate commission's staff
17 18 director and employees or interstate commission
17 19 representatives, acting within the scope of such person's
17 20 employment or duties for acts, errors, or omissions occurring
17 21 within such person's state may not exceed the limits of
17 22 liability set forth under the constitution and laws of that
17 23 state for state officials, employees, and agents. The
17 24 interstate commission is considered to be an instrumentality
17 25 of the states for the purposes of any such action. Nothing in
17 26 this paragraph shall be construed to protect such person from
17 27 suit or liability for damage, loss, injury, or liability
17 28 caused by a criminal act or the intentional or willful and
17 29 wanton misconduct of such person.

17 30 c. The interstate commission shall defend the staff
17 31 director and its employees and, subject to the approval of the
17 32 attorney general or other appropriate legal counsel of the
17 33 member state, shall defend the commissioner of a member state
17 34 in a civil action seeking to impose liability arising out of
17 35 an actual or alleged act, error, or omission that occurred



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18 1 within the scope of interstate commission employment, duties,
18 2 or responsibilities, or that the defendant had a reasonable
18 3 basis for believing occurred within the scope of interstate
18 4 commission employment, duties, or responsibilities, provided
18 5 that the actual or alleged act, error, or omission did not
18 6 result from intentional or willful and wanton misconduct on
18 7 the part of such person.

18 8 d. To the extent not covered by the state involved, member
18 9 state, or the interstate commission, the representatives or
18 10 employees of the interstate commission shall be held harmless
18 11 in the amount of a settlement or judgment, including
18 12 attorney's fees and costs, obtained against such persons
18 13 arising out of an actual or alleged act, error, or omission
18 14 that occurred within the scope of interstate commission
18 15 employment, duties, or responsibilities, or that such persons
18 16 had a reasonable basis for believing occurred within the scope
18 17 of interstate commission employment, duties, or
18 18 responsibilities, provided that the actual or alleged act,
18 19 error, or omission did not result from intentional or willful
18 20 and wanton misconduct on the part of such persons.

18 21 ARTICLE XI == RULEMAKING FUNCTIONS OF THE
18 22 INTERSTATE COMMISSION

18 23 1. The interstate commission shall promulgate and publish
18 24 rules in order to effectively and efficiently achieve the
18 25 purposes of the compact.

18 26 2. Rulemaking shall occur pursuant to the criteria set
18 27 forth in this article and the bylaws and rules adopted
18 28 pursuant to the criteria. Such rulemaking shall substantially
18 29 conform to the principles of the "Model State Administrative
18 30 Procedures Act," 1981 Act, uniform laws annotated, vol. 15,
18 31 p.1 (2000), or such other administrative procedure acts as the
18 32 interstate commission deems appropriate consistent with due
18 33 process requirements under the United States Constitution as
18 34 now or hereafter interpreted by the United States supreme
18 35 court. All rules and amendments shall become binding as of
19 1 the date specified, as published with the final version of the
19 2 rule as approved by the interstate commission.

19 3 3. When promulgating a rule, the interstate commission
19 4 shall, at a minimum, do all of the following:

19 5 a. Publish the proposed rule's entire text stating the
19 6 reason(s) for that proposed rule.

19 7 b. Allow and invite any and all persons to submit written
19 8 data, facts, opinions, and arguments, which information shall
19 9 be added to the record, and be made publicly available.

19 10 c. Promulgate a final rule and its effective date, if
19 11 appropriate, based on input from state or local officials, or
19 12 interested parties.

19 13 4. Rules promulgated by the interstate commission shall
19 14 have the force and effect of statutory law and shall supersede
19 15 any state law, rule, or regulation to the extent of any
19 16 conflict.

19 17 5. Not later than sixty days after a rule is promulgated,
19 18 an interested person may file a petition in the United States
19 19 district court for the District of Columbia or in the United
19 20 States district court where the interstate commission's
19 21 principal office is located for judicial review of such rule.



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19 22 If the court finds that the interstate commission's action is
19 23 not supported by substantial evidence in the rulemaking
19 24 record, the court shall hold the rule unlawful and set it
19 25 aside.

19 26 6. If a majority of the legislatures of the member states
19 27 rejects a rule, those states may by enactment of a statute or
19 28 resolution in the same manner used to adopt the compact cause
19 29 that such rule shall have no further force and effect in any
19 30 member state.

19 31 7. The existing rules governing the operation of the
19 32 interstate compact on the placement of children superseded by
19 33 this act shall be null and void no less than twelve, but no
19 34 more than twenty-four, months after the first meeting of the
19 35 interstate commission created pursuant to this compact, as



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20 1 determined by the members during the first meeting.
20 2 8. Within the first twelve months of operation, the
20 3 interstate commission shall promulgate rules addressing the
20 4 following:
20 5 a. Transition rules.
20 6 b. Forms and procedures.
20 7 c. Timelines.
20 8 d. Data collection and reporting.
20 9 e. Rulemaking.
20 10 f. Visitation.
20 11 g. Progress reports and supervision.
20 12 h. Sharing of information and confidentiality.
20 13 i. Financing of the interstate commission.
20 14 j. Mediation, arbitration, and dispute resolution.
20 15 k. Education, training, and technical assistance.
20 16 l. Enforcement.
20 17 m. Coordination with other interstate compacts.
20 18 9. Upon determination by a majority of the members of the
20 19 interstate commission that an emergency exists:
20 20 a. The interstate commission may promulgate an emergency
20 21 rule only if it is required to accomplish any of the
20 22 following:
20 23 (1) Protect the children covered by this compact from an
20 24 imminent threat to the children's health, safety, and
20 25 well-being.
20 26 (2) Prevent loss of federal or state funds.
20 27 (3) Meet a deadline for the promulgation of an
20 28 administrative rule required by federal law.
20 29 b. An emergency rule shall become effective immediately
20 30 upon adoption, provided that the usual rulemaking procedures
20 31 provided in this compact shall be retroactively applied to the
20 32 rule as soon as reasonably possible, but no later than ninety
20 33 days after the effective date of the emergency rule.
20 34 c. An emergency rule shall be promulgated as provided for
20 35 in the rules of the interstate commission.



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21 1 ARTICLE XII == OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT
21 2 1. OVERSIGHT.
21 3 a. The interstate commission shall oversee the
21 4 administration and operation of the compact.
21 5 b. The executive, legislative, and judicial branches of
21 6 state government in each member state shall enforce this
21 7 compact and the rules of the interstate commission and shall
21 8 take all actions necessary and appropriate to effectuate the
21 9 compact's purposes and intent. The compact and its rules
21 10 shall supersede state law, rules, or regulations to the extent
21 11 of any conflict with the state law, rules, or regulations.
21 12 c. All courts shall take judicial notice of the compact
21 13 and the rules in any judicial or administrative proceeding in
21 14 a member state pertaining to the subject matter of this
21 15 compact.
21 16 d. The interstate commission shall be entitled to receive
21 17 service of process in any action in which the validity of a
21 18 compact provision or rule is the issue for which a judicial
21 19 determination has been sought and shall have standing to
21 20 intervene in any proceedings. Failure to provide service of
21 21 process to the interstate commission shall render any
21 22 judgment, order, or other determination, however so captioned
21 23 or classified, void as to the interstate commission, this
21 24 compact, its bylaws, or rules of the interstate commission.
21 25 2. DISPUTE RESOLUTION.
21 26 a. The interstate commission shall attempt, upon the
21 27 request of a member state, to resolve disputes which are
21 28 subject to the compact and which may arise among member states
21 29 and between member and nonmember states.
21 30 b. The interstate commission shall promulgate a rule
21 31 providing for both mediation and binding dispute resolution
21 32 for disputes among compacting states. The costs of such
21 33 mediation or dispute resolution shall be the responsibility of
21 34 the parties to the dispute.
21 35 3. ENFORCEMENT. If the interstate commission determines



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22 1 that a member state has defaulted in the performance of its
22 2 obligations or responsibilities under this compact, or its
22 3 bylaws or rules, the interstate commission may do any of the
22 4 following:
22 5 a. Provide remedial training and specific technical
22 6 assistance.
22 7 b. Provide written notice to the defaulting state and
22 8 other member states of the nature of the default and the means
22 9 of curing the default. The interstate commission shall
22 10 specify the conditions by which the defaulting state must cure
22 11 its default.
22 12 c. By majority vote of the members, initiate against a
22 13 defaulting member state legal action in the United States
22 14 district court for the District of Columbia or, at the
22 15 discretion of the interstate commission, in the United States
22 16 district where the interstate commission has its principal
22 17 office, to enforce compliance with the provisions of the
22 18 compact, its bylaws, or rules. The relief sought may include
22 19 both injunctive relief and damages. In the event judicial
22 20 enforcement is necessary the prevailing party shall be awarded
22 21 all costs of such litigation including reasonable attorney's
22 22 fees.
22 23 d. Avail itself of any other remedies available under
22 24 state law or the regulation of official or professional
22 25 conduct.

22 26 ARTICLE XIII == FINANCING OF THE COMMISSION

22 27 1. The interstate commission shall pay or provide for the
22 28 payment of the reasonable expenses of its establishment,
22 29 organization, and ongoing activities.

22 30 2. The interstate commission may levy on and collect an
22 31 annual assessment from each member state to cover the cost of
22 32 the operations and activities of the interstate commission and
22 33 its staff which must be in a total amount sufficient to cover
22 34 the interstate commission's annual budget as approved by its
22 35 members each year. The aggregate annual assessment amount



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23 1 shall be allocated based upon a formula to be determined by
23 2 the interstate commission which shall promulgate a rule
23 3 binding upon all member states.
23 4 3. The interstate commission shall not incur obligations
23 5 of any kind prior to securing the funds adequate to meet the
23 6 same; nor shall the interstate commission pledge the credit of
23 7 any of the member states, except by and with the authority of
23 8 the member state.
23 9 4. The interstate commission shall keep accurate accounts
23 10 of all receipts and disbursements. The receipts and
23 11 disbursements of the interstate commission shall be subject to
23 12 the audit and accounting procedures established under its
23 13 bylaws. However, all receipts and disbursements of funds
23 14 handled by the interstate commission shall be audited yearly
23 15 by a certified or licensed public accountant and the report of
23 16 the audit shall be included in and become part of the annual
23 17 report of the interstate commission.
23 18 ARTICLE XIV == MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT
23 19 1. Any state is eligible to become a member state.
23 20 2. The compact shall become effective and binding upon
23 21 legislative enactment of the compact into law by no less than
23 22 thirty=five states. The effective date shall be the later of
23 23 July 1, 2007, or upon enactment of the compact into law by the
23 24 thirty=fifth state. Thereafter it shall become effective and
23 25 binding as to any other member state upon enactment of the
23 26 compact into law by that state. The executive heads of the
23 27 state human services administration with ultimate
23 28 responsibility for the child welfare program of nonmember
23 29 states or their designees shall be invited to participate in
23 30 the activities of the interstate commission on a nonvoting
23 31 basis prior to adoption of the compact by all states.
23 32 3. The interstate commission may propose amendments to the
23 33 compact for enactment by the member states. No amendment
23 34 shall become effective and binding on the member states unless
23 35 and until it is enacted into law by unanimous consent of the



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24 1 member states.

24 2 ARTICLE XV == WITHDRAWAL AND DISSOLUTION

24 3 1. WITHDRAWAL.

24 4 a. Once effective, the compact shall continue in force and
24 5 remain binding upon each and every member state, provided that
24 6 a member state may withdraw from the compact by specifically
24 7 repealing the statute which enacted the compact into law.

24 8 b. Withdrawal from this compact shall be by the enactment
24 9 of a statute repealing the same. The effective date of
24 10 withdrawal shall be the effective date of the repeal of the
24 11 statute.

24 12 c. The withdrawing state shall immediately notify the
24 13 president of the interstate commission in writing upon the
24 14 introduction of legislation repealing this compact in the
24 15 withdrawing state. The interstate commission shall then
24 16 notify the other member states of the withdrawing state's
24 17 intent to withdraw.

24 18 d. The withdrawing state is responsible for all
24 19 assessments, obligations, and liabilities incurred through the
24 20 effective date of withdrawal.

24 21 e. Reinstatement following withdrawal of a member state
24 22 shall occur upon the withdrawing state reenacting the compact
24 23 or upon such later date as determined by the members of the
24 24 interstate commission.

24 25 2. DISSOLUTION OF COMPACT.

24 26 a. This compact shall dissolve effective upon the date of
24 27 the withdrawal or default of the member state which reduces
24 28 the membership in the compact to one member state.

24 29 b. Upon the dissolution of this compact, the compact
24 30 becomes null and void and shall be of no further force or
24 31 effect, and the business and affairs of the interstate
24 32 commission shall be concluded and surplus funds shall be
24 33 distributed in accordance with the bylaws.

24 34 ARTICLE XVI == SEVERABILITY AND CONSTRUCTION

24 35 1. The provisions of this compact shall be severable, and



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25 1 if any phrase, clause, sentence, or provision is deemed
25 2 unenforceable, the remaining provisions of the compact shall
25 3 be enforceable.

25 4 2. The provisions of this compact shall be liberally
25 5 construed to effectuate its purposes.

25 6 3. Nothing in this compact shall be construed to prohibit
25 7 the concurrent applicability of other interstate compacts to
25 8 which the states are members.

25 9 ARTICLE XVII == BINDING EFFECT OF COMPACT AND OTHER LAWS

25 10 1. OTHER LAWS.

25 11 a. Nothing in this compact prevents the enforcement of any
25 12 other law of a member state that is not inconsistent with this
25 13 compact.

25 14 b. All member states' laws conflicting with this compact
25 15 or its rules are superseded to the extent of the conflict.

25 16 2. BINDING EFFECT OF THE COMPACT.

25 17 a. All lawful actions of the interstate commission,
25 18 including all rules and bylaws promulgated by the interstate
25 19 commission, are binding upon the member states.

25 20 b. All agreements between the interstate commission and
25 21 the member states are binding in accordance with their terms.

25 22 c. In the event any provision of this compact exceeds the
25 23 constitutional limits imposed on the legislature of any member
25 24 state, such provision shall be ineffective to the extent of
25 25 the conflict with the constitutional provision in question in
25 26 that member state.

25 27 ARTICLE XVIII == INDIAN TRIBES

25 28 Notwithstanding any other provision in this compact, the
25 29 interstate commission may promulgate guidelines to permit
25 30 Indian tribes to utilize the compact to achieve any or all of
25 31 the purposes of the compact as specified in article I. The
25 32 interstate commission shall make reasonable efforts to consult
25 33 with Indian tribes in promulgating guidelines to reflect the
25 34 diverse circumstances of the various Indian tribes.

25 35 DIVISION II



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26 1 CONFORMING AMENDMENTS
26 2 Sec. 2. Section 232.158A, subsection 1, unnumbered
26 3 paragraph 1, Code 2007, is amended to read as follows:
26 4 Notwithstanding any provision of the interstate compact ~~on~~
26 5 for the placement of children in section 232.169 to the
26 6 contrary, the department of human services shall permit the
26 7 legal risk placement of a child under the interstate compact
26 8 ~~on for~~ for the placement of children if the prospective adoptive
26 9 parent provides a legal risk statement, in writing,
26 10 acknowledging all of the following:
26 11 Sec. 3. Section 232.159, Code 2007, is amended to read as
26 12 follows:
26 13 232.159 FINANCIAL RESPONSIBILITY.
26 14 Financial responsibility for any child placed pursuant to
26 15 the provisions of the interstate compact ~~on for~~ for the placement
26 16 of children in section 232.169 shall be determined in
26 17 accordance with the provisions of article V thereof VII of the
26 18 compact in the first instance. However, in the event of
26 19 partial or complete default of performance thereunder under
26 20 the compact, the provisions of chapters 252 and 252A, fixing
26 21 responsibility for the support of children, also may be
26 22 invoked.
26 23 Sec. 4. Section 232.160, Code 2007, is amended to read as
26 24 follows:
26 25 232.160 DEPARTMENT OF HUMAN SERVICES AS PUBLIC ~~AUTHORITY~~
26 26 CHILD-PLACING AGENCY.
26 27 The term ~~"appropriate public authorities"~~ "public
26 28 child-placing agency" as ~~used~~ defined in article III II of the
26 29 interstate compact on for the placement of children in section
26 30 232.169 shall, with reference to this state, mean the state
26 31 department of human services and ~~said the~~ the department shall
26 32 ~~receive and act with reference to notices~~ fulfill the duties
26 33 of the public child-placing agency for this state as required
26 34 by said article III the compact.
26 35 Sec. 5. Section 232.162, Code 2007, is amended to read as



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27 1 follows:

27 2 232.162 AUTHORITY TO ENTER AGREEMENTS.

27 3 The officers and agencies of this state and its political
27 4 subdivisions having authority to place children may enter into
27 5 agreements with appropriate officers or agencies of or in
27 6 other party states pursuant to ~~paragraph "b"~~ of article ~~V~~ VII
27 7 of the interstate compact ~~on~~ for the placement of children in
27 8 section 232.169. Any such agreement which contains a

27 9 financial commitment or imposes a financial obligation on this
27 10 state or a political subdivision or agency of this state shall
27 11 not be binding unless it has the approval in writing of the
27 12 administrator of child and family services in the case of the
27 13 state and the county general assistance director in the case
27 14 of a political subdivision of the state.

27 15 Sec. 6. Section 232.163, Code 2007, is amended to read as
27 16 follows:

27 17 232.163 VISITATION, INSPECTION, OR SUPERVISION.

27 18 1. Any requirements for visitation, inspection, or
27 19 supervision of children, homes, institutions, or other
27 20 agencies in another party state which may apply under the
27 21 provisions of this chapter shall be deemed to be met if
27 22 performed pursuant to an agreement entered into by appropriate
27 23 officers or agencies of this state or a political subdivision
27 24 of this state as contemplated by ~~paragraph "b"~~ of article ~~V~~
27 25 VII of the interstate compact ~~on~~ for the placement of children
27 26 in section 232.169.

27 27 2. If a child is placed outside the residency state of the
27 28 child's parent, the sending child-placing agency shall provide
27 29 for a designee to visit the child at least once every ~~twelve~~
27 30 six months and to submit a written report to the court
27 31 concerning the child and the visit.

27 32 Sec. 7. Section 232.164, Code 2007, is amended to read as
27 33 follows:

27 34 232.164 COURT AUTHORITY TO PLACE CHILD IN ANOTHER STATE.

27 35 Any court having jurisdiction to place delinquent children



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28 1 may place such a child in an institution of or in another
28 2 state pursuant to article ~~VI~~ VII of the interstate compact ~~on~~
28 3 for the placement of children in section 232.169 and shall
28 4 retain jurisdiction as provided in article ~~V thereof~~ IV of the
28 5 compact.

28 6 Sec. 8. Section 232.166, Code 2007, is amended to read as
28 7 follows:

28 8 232.166 STATUTES NOT AFFECTED.

28 9 Nothing contained in ~~sections 232.158 to 232.165~~ the
28 10 interstate compact for the placement of children in section
28 11 232.169 or any other section of this division shall be deemed
28 12 to affect or modify the other provisions of this chapter or of
28 13 chapter 600.

28 14 Sec. 9. Section 232.167, Code 2007, is amended to read as
28 15 follows:

28 16 232.167 PENALTY.

28 17 A person or agency which violates or aids and abets in the
28 18 violation of any of the provisions of ~~sections 232.158 through~~
28 19 ~~232.166~~ this division commits a fraudulent practice.

28 20 Sec. 10. Section 232.168, Code 2007, is amended to read as
28 21 follows:

28 22 232.168 ATTORNEY GENERAL TO ENFORCE.

28 23 The attorney general may, on the attorney general's own
28 24 initiative, institute any criminal and civil actions and
28 25 proceedings under the interstate compact for the placement of
28 26 children in section 232.169 or any other section of this
28 27 division, at whatever stage of placement necessary, to enforce
28 28 the interstate compact ~~on the placement of children,~~
28 29 including, but not limited to, seeking enforcement of the
28 30 provisions of the compact through the courts of a party state.
28 31 The department of human services shall cooperate with the
28 32 attorney general and shall refer any placement or proposed
28 33 placement to the attorney general which may require
28 34 enforcement measures.

28 35 Sec. 11. Section 600.8, subsection 10, Code 2007, is
29 1 amended to read as follows:

29 2 10. The department or an agency or investigator may
29 3 conduct any investigations required for an interstate or
29 4 interagency placement. Any interstate investigations or
29 5 placements shall follow the procedures and regulations under
29 6 the interstate compact ~~on~~ for the placement of children in
29 7 section 232.169. Such investigations and placements shall be
29 8 in compliance with the laws of the states involved.

29 9 Sec. 12. Sections 232.158, 232.161, and 232.165, Code
29 10 2007, are repealed.

DIVISION III

CONTINGENT EFFECTIVE DATE

29 13 Sec. 13. EFFECTIVE DATE == PREVIOUS COMPACT.

29 14 1. This Act takes effect upon the date specified under the
29 15 conditions provided in section 232.169, article XIV,
29 16 subsection 2, as enacted by this Act, and upon the Code
29 17 editor's receipt of written notice provided by the department
29 18 of human services that the conditions have been met.

29 19 2. The rights, duties, and obligations under the
29 20 interstate compact on the interstate placement of children
29 21 under section 232.158, as repealed by this Act, of any sending



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29 22 agency under the compact with respect to a placement made
29 23 prior to the effective date of this Act shall remain in effect
29 24 unless expired or otherwise modified in accordance with the
29 25 terms of the rights, duties, and obligations, as provided in
29 26 the compact.

29 27 EXPLANATION

29 28 This bill replaces the interstate compact on the interstate
29 29 placement of children with the interstate compact for the
29 30 interstate placement of children in Code chapter 232. The
29 31 bill is organized into divisions.

29 32 REPLACEMENT COMPACT. An interstate compact is an agreement
29 33 between two or more states that binds the states to the
29 34 compact's provisions, similar to a contract. A compact is
29 35 enacted as law in each state in substantially the same form.



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30 1 The terms of the compact are binding, even if the terms are
30 2 inconsistent with other state laws. Iowa entered into the
30 3 current interstate compact on the interstate placement of
30 4 children in 1967.

30 5 The current compact provides a legal and administrative
30 6 means to permit child placement activities to be pursued
30 7 throughout the nation in much the same way, and with the same
30 8 safeguards and services, as though they were being conducted
30 9 in a single state. The compact requires notice and proof of
30 10 the suitability of a placement before it is made, allocates
30 11 specific legal and administrative responsibilities during the
30 12 continuance of an interstate placement, provides a basis for
30 13 enforcement of rights, and authorizes joint actions in all
30 14 party states to improve operations and services. Iowa's
30 15 current compact on interstate placement of children is
30 16 codified in Code section 232.158.

30 17 The bill replaces the current compact with the interstate
30 18 compact for the placement of children in new Code section
30 19 232.169. The new compact is organized into articles
30 20 addressing the purpose; definitions; applicability; court
30 21 jurisdiction; assessment of the child; placement authority;
30 22 creation of the interstate commission for the placement of
30 23 children to administer the compact; powers and duties of the
30 24 interstate commission; organization and operation of the
30 25 interstate commission; rulemaking functions of the interstate
30 26 commission; oversight, dispute resolution, and enforcement;
30 27 commission financing; member states, effective date, and
30 28 amendment; withdrawal and dissolution; severability and
30 29 construction; binding effect of the compact and other laws;
30 30 and Indian tribes.

30 31 The terms of the compact provide the compact becomes
30 32 initially effective and binding upon enactment of the compact
30 33 into law by at least 35 states. Additional requirements are
30 34 included in the effective date division of the bill.

30 35 CONFORMING AMENDMENTS. This division makes conforming



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31 1 amendments to various Code provisions that reference the
31 2 existing compact. Most of the provisions amended are included
31 3 in Code chapter 232, division IX, which relates to the current
31 4 compact. The conforming amendments apply existing Iowa-only
31 5 requirements of the current compact to the new compact in Code
31 6 section 232.158A, relating to legal risk placements of
31 7 children, Code section 232.159, relating to financial
31 8 responsibility for the cost of a placement, Code section
31 9 232.162, relating to the authority of state and county
31 10 officers to enter into agreements, Code section 232.164,
31 11 relating to court authority to place a child in another state,
31 12 and Code section 232.166, relating to the effect of the
31 13 compact on other statutes.
31 14 Code section 232.160, relating to designation of Iowa's
31 15 department of human services as the public authority under the
31 16 current compact, is amended to define the department as the
31 17 "public child-placing agency" under the new compact.
31 18 Code section 232.163, relating to visitation, inspection,
31 19 or supervision of children or placement providers, is amended
31 20 to apply terminology changes for the new compact and to
31 21 require a visit to a child placed out-of-state at least every
31 22 six months rather than the current 12 months.
31 23 Code section 232.167, which provides a fraudulent practice
31 24 penalty to a person or agency which violates or aids and abets
31 25 in the violation of any of the provisions of Code chapter 232,
31 26 division IX, is also amended to apply to the new compact. The
31 27 fraudulent practice penalties vary according to the monetary
31 28 value of the property or services involved in the crime,
31 29 ranging from a simple misdemeanor when the value is \$200 or
31 30 less to a class "C" felony when the value exceeds \$10,000.
31 31 Code section 232.168, which authorizes the attorney general
31 32 to institute actions to enforce the current compact, is
31 33 amended to instead refer to the new compact.
31 34 Code sections 232.158, 232.161, and 232.165 are repealed.
31 35 Code section 232.158 is the current compact. Code sections



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32 1 232.161 and 232.165 relate to terms used in the current
32 2 compact that would no longer apply under the new compact.
32 3 EFFECTIVE DATE. This division provides that the bill takes
32 4 effect upon the contingent effective date contained in the
32 5 compact, that is, when the compact is enacted by at least 35
32 6 states and the department of human services provides written
32 7 notification to the Code editor.
32 8 The bill also provides that the rights, duties, and
32 9 obligations under the current compact of any sending agency
32 10 under the compact with respect to a placement made prior to
32 11 the effective date of the bill remain in effect unless expired
32 12 or otherwise modified in accordance with the terms of the
32 13 rights, duties, and obligations, as provided in the compact.
32 14 LSB 1244SV 82
32 15 jp:nh/je/5



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Senate File 460 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1071)

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

A BILL FOR

- 1 An Act relating to providing an appeal process for medical
- 2 assistance providers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1837SV 82
- 5 pf/je/5



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1 1 Section 1. NEW SECTION. 249A.36 PROVIDER APPEALS
1 2 PROCESS.
1 3 1. Notwithstanding conflicting provisions of chapter 17A,
1 4 a provider appeal hearing pursuant to subsection 2 shall be
1 5 available to a provider if any of the following conditions,
1 6 which constitutes a contested case, is met:
1 7 a. The provider's license, certification, registration,
1 8 approval, or accreditation has been denied or revoked or has
1 9 not been acted upon in a timely manner.
1 10 b. The provider's claim for payment or request for prior
1 11 authorization of payment has been denied.
1 12 c. The provider's contract as a medical assistance patient
1 13 manager has been terminated.
1 14 d. The provider has been notified that an overpayment has
1 15 been established and repayment is requested.
1 16 e. The provider has been notified that the reconsideration
1 17 process has been exhausted and the provider is not satisfied
1 18 with the result.
1 19 f. The provider's claim for payment was not made according
1 20 to department policy.
1 21 g. The provider's application for a child care quality
1 22 rating has not been acted upon in a timely manner, the
1 23 provider disagrees with the department's quality rating
1 24 decision, or the provider's certificate of quality rating has
1 25 been revoked.
1 26 2. a. A provider appeal hearing shall be conducted by a
1 27 panel which consists of the following members:
1 28 (1) One member, appointed by the president or presiding
1 29 officer of the provider's professional or trade association,
1 30 who is either a member of the association or is a provider who
1 31 provides similar professional services as the provider. For
1 32 the purposes of this subparagraph, "provider's professional or
1 33 trade association" means the entity composed of providers who
1 34 hold the same license, certification, registration, approval,
1 35 or accreditation as the provider or, if not licensed,



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2 1 certified, registered, approved, or accredited, providers who
2 2 provide the same professional services as the provider.

2 3 (2) One member, appointed by the department, who is an
2 4 employee of the department.

2 5 (3) One member, who is an administrative law judge,
2 6 assigned by the division of administrative hearings of the
2 7 department of inspections and appeals in accordance with the
2 8 provisions of section 10A.801.

2 9 b. The administrative law judge member of the panel shall
2 10 be the presiding officer for the hearing.

2 11 c. The decision of the panel shall be determined by a
2 12 majority vote.

2 13 d. The decision of the panel shall be a final decision and
2 14 shall meet the requirements of a final decision pursuant to
2 15 section 17A.16.

2 16 e. A party to the hearing may file a request for rehearing
2 17 pursuant to section 17A.16.

2 18 f. A party who is aggrieved or adversely affected by a
2 19 final decision under this section is entitled to judicial
2 20 review as provided in section 17A.19.

2 21 EXPLANATION

2 22 This bill provides an appeals process for medical
2 23 assistance providers in certain contested case proceedings.
2 24 The bill specifies the circumstances, that constitute a
2 25 contested case, in which the alternative appeals hearing
2 26 process would apply. Under the alternative appeals hearing
2 27 process, in lieu of selection of a presiding officer for a
2 28 contested case proceeding under Code chapter 17A, which would
2 29 allow for an agency or an administrative law judge to preside,
2 30 the bill provides that the contested case would be presided
2 31 over by a panel made up of three members: a member appointed
2 32 by the provider's professional or trade association who is a
2 33 member of the association or a provider who provides similar
2 34 professional services as the provider; a member, appointed by
2 35 the department of human services, who is an employee of the



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3 1 department; and an administrative law judge assigned by the
3 2 division of administrative hearings of the department of
3 3 inspections and appeals. The administrative law judge is to
3 4 be the presiding officer for the hearing and the decision of
3 5 the panel is to be determined by a majority vote. Under the
3 6 bill, the decision of the panel is a final decision, a party
3 7 to the hearing may file a request for rehearing, and a party
3 8 who is aggrieved or adversely affected by a final decision is
3 9 entitled to judicial review.
3 10 LSB 1837SV 82
3 11 pf:nh/je/5



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Senate File 461 - Introduced

SENATE FILE
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO SF 257)

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

A BILL FOR

1 An Act designating the Sullivan brothers veterans museum as a
2 state of Iowa veterans museum.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1816SV 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 a state of Iowa veterans museum.

1 4 EXPLANATION

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

1 7 LSB 1816SV 82

1 8 ec:rj/cf/24



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Senate File 462 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 174)

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

A BILL FOR

- 1 An Act relating to body piercing, body modification, and
- 2 tattooing, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2164SV 82
- 5 jr/cf/24



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PAG LIN

1 1 Section 1. Section 135.37, Code 2007, is amended to read
1 2 as follows:
1 3 135.37 TATTOOING, BODY PIERCING, BODY MODIFICATION ==
1 4 PERMIT REQUIREMENT == PARENTAL CONSENT == PENALTY.
1 5 1. A person shall not own, control and lease, act as an
1 6 agent for, conduct, manage, or operate an establishment to
1 7 practice the art of tattooing, body piercing, or body
1 8 modification, or engage in the practice of tattooing, body
1 9 piercing, or body modification, without first applying for and
1 10 receiving a permit from the Iowa department of public health.
1 11 2. A minor shall not obtain a tattoo, or undergo a body
1 12 piercing or body modification, and a person shall not provide
1 13 a tattoo, body piercing, or body modification to a minor
1 14 unless parental consent has first been obtained. ~~For the~~
1 15 ~~purposes of this section, "minor" means an unmarried person~~
1 16 ~~who is under the age of eighteen years. The department shall~~
1 17 develop parental consent forms and procedures for verification
1 18 of the consent by rule.
1 19 2A. For the purposes of this section:
1 20 a. "Body modification" means for commercial purposes the
1 21 permanent or semipermanent deliberate altering of the human
1 22 body for nonmedical reasons. "Body modification" does not
1 23 include tattooing or body piercing.
1 24 b. "Body piercing" means for commercial purposes the act
1 25 of penetrating the skin to make a hole, mark, or scar. "Body
1 26 piercing" does not include the use of a mechanized,
1 27 presterilized, ear-piercing system that penetrates the outer
1 28 perimeter or lobe of the ear, or both.
1 29 c. "Minor" means an unmarried person who is under the age
1 30 of eighteen years.
1 31 3. A person who fails to meet the requirements of
1 32 subsection 1 or a person providing a tattoo, body piercing, or
1 33 body modification to a minor is guilty of a ~~serious an~~
1 34 aggravated misdemeanor.
1 35 4. The Iowa department of public health shall:



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2 1 a. Adopt rules pursuant to chapter 17A and establish and
2 2 collect all fees necessary to administer this section. The
2 3 provisions of chapter 17A, including licensing provisions,
2 4 judicial review, and appeal, shall apply to this chapter.

2 5 b. Establish minimum safety and sanitation criteria for
2 6 the operation of tattooing, body piercing, and body
2 7 modification establishments.

2 8 5. If the Iowa department of public health determines that
2 9 a provision of this section has been or is being violated, the
2 10 department may order that a tattooing, body piercing, or body
2 11 modification establishment not be operated until the necessary
2 12 corrective action has been taken. If the establishment
2 13 continues to be operated in violation of the order of the
2 14 department, the department may request that the county
2 15 attorney or the attorney general make an application in the
2 16 name of the state to the district court of the county in which
2 17 the violations have occurred for an order to enjoin the
2 18 violations and confiscate commercial property and equipment.
2 19 This remedy is in addition to any other legal remedy available
2 20 to the department.

2 21 EXPLANATION

2 22 This bill modifies and expands current restrictions
2 23 relating to performing and receiving a tattoo, and extends
2 24 them to also apply to body piercing and body modification.

2 25 The bill provides that a person shall not own, control and
2 26 lease, act as an agent for, conduct, manage, or operate an
2 27 establishment to practice the art of tattooing, body piercing,
2 28 or body modification, or engage in the practice of tattooing,
2 29 body piercing, or body modification, without having received a
2 30 permit from the Iowa department of public health.

2 31 Additionally, a minor shall not obtain a tattoo, or undergo a
2 32 body piercing or body modification, and a person shall not
2 33 provide a tattoo, body piercing, or body modification to a
2 34 minor unless parental consent has first been obtained. The
2 35 bill provides that parental consent forms and procedures shall



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3 1 be established by the department by rule.
3 2 The bill provides definitions of "body modification", "body
3 3 piercing", and "minor" and provides that body piercing does
3 4 not refer to the use of a mechanized, presterilized, ear=
3 5 piercing system that penetrates the outer perimeter or lobe of
3 6 the ear, or both.
3 7 The bill provides that a person who violates the provisions
3 8 relating to ownership or operation of an establishment, or who
3 9 provides a tattoo, body piercing, or body modification to a
3 10 minor, is guilty of an aggravated misdemeanor. Currently, the
3 11 corresponding penalty applicable to tattooing is a serious
3 12 misdemeanor. The bill extends existing provisions relating to
3 13 rulemaking, establishment of minimum safety and sanitation
3 14 criteria, and issuance of an order against an establishment to
3 15 not operate pending corrective action by the department
3 16 concerning tattooing to body piercing and body modification.
3 17 The bill also adds a penalty of confiscation of commercial
3 18 property in the event of continued operation in violation of
3 19 the order.
3 20 LSB 2164SV 82
3 21 jr:nh/cf/24



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Senate File 463 - Introduced

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 102)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act concerning the licensing and operations of a manufacturer
- 2 of ambulances, rescue vehicles, or fire vehicles.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2047SV 82
- 5 dea/es/88



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PAG LIN

1 1 Section 1. Section 321.57, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 6. A manufacturer licensed under chapter
1 4 322 that manufactures ambulances, rescue vehicles, or fire
1 5 vehicles may operate or move a new ambulance, rescue vehicle,
1 6 or fire vehicle manufactured and owned by the manufacturer
1 7 solely for purposes of transporting, demonstrating, showing,
1 8 or exhibiting the vehicle when there is displayed on the
1 9 vehicle a special plate issued to the manufacturer as provided
1 10 in sections 321.58 through 321.62.

1 11 Sec. 2. Section 322.29, Code 2007, is amended by adding
1 12 the following new subsection:

1 13 NEW SUBSECTION. 6. Notwithstanding section 322.3,
1 14 subsection 1, a person licensed as a wholesaler under
1 15 subsection 4 may be licensed as a used motor vehicle dealer
1 16 solely for the purpose of dealing in used motor vehicles of
1 17 the same make and model the person is licensed to wholesale.

1 18 EXPLANATION

1 19 This bill allows a licensed manufacturer of ambulances,
1 20 rescue vehicles, or fire vehicles to obtain special plates to
1 21 be displayed on the manufacturer's vehicles so that the
1 22 vehicles can be driven for purposes of transporting,
1 23 demonstrating, showing, or exhibiting the vehicle. In
1 24 addition, the bill allows a person who rebuilds completed
1 25 vehicles as ambulances, rescue vehicles, fire vehicles, or
1 26 towing or recovery vehicles, and who is licensed as a
1 27 wholesaler of those vehicles, to be licensed as a used motor
1 28 vehicle dealer for the purpose of selling used vehicles of the
1 29 same make and model the person is licensed to wholesale.

1 30 LSB 2047SV 82

1 31 dea:nh/es/88



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Senate File 464 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 93)

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

A BILL FOR

1 An Act relating to the physical education requirements for grades
2 nine through twelve under the educational standards for school
3 districts and accredited nonpublic schools.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1697SV 82
6 kh/es/88



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Senate File 464 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.11, subsection 5, paragraph g,
1 2 unnumbered paragraph 1, Code 2007, is amended to read as
1 3 follows:
1 4 All students physically able shall be required to
1 5 participate in physical education activities during each
1 6 semester they are enrolled in school except as otherwise
1 7 provided in this paragraph. For purposes of this paragraph,
1 8 "physical education activities" includes a minimum of one
1 9 hundred minutes per week of activities designed to increase
1 10 cardiovascular fitness. A minimum of ~~one-eighth~~ one-quarter
1 11 unit each semester is required. A twelfth grade student who
1 12 meets the requirements of this paragraph may be excused from
1 13 the physical education requirement by the principal of the
1 14 school in which the student is enrolled if the parent or
1 15 guardian of the student requests in writing that the student
1 16 be excused from the physical education requirement. A student
1 17 who wishes to be excused from the physical education
1 18 requirement must be seeking to be excused in order to enroll
1 19 in academic courses not otherwise available to the student, or
1 20 be enrolled or participating in one of the following:
1 21 Sec. 2. Section 256.11, subsection 5, paragraph g,
1 22 subparagraph (2), Code 2007, is amended to read as follows:
1 23 (2) An organized and supervised athletic program which
1 24 requires at least as much participation per week as ~~one-eighth~~
1 25 one-fourth unit of physical education.
1 26 Sec. 3. Section 256.11, subsection 5, paragraph g,
1 27 unnumbered paragraph 2, Code 2007, is amended to read as
1 28 follows:
1 29 Students in grades nine through eleven may be excused from
1 30 the physical education requirement in order to enroll in
1 31 academic courses not otherwise available to the student if the
1 32 board of directors of the school district in which the school
1 33 is located, or the authorities in charge of the school, if the
1 34 school is a nonpublic school, determine that students from the
1 35 school may be permitted to be excused from the physical



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2 1 education requirement. A student may be excused by the
2 2 principal of the school in which the student is enrolled, in
2 3 consultation with the student's counselor, for up to one
2 4 semester, trimester, or the equivalent of a semester or
2 5 trimester, per year if the parent or guardian of the student
2 6 requests in writing that the student be excused from the
2 7 physical education requirement. The student seeking to be
2 8 excused from the physical education requirement must, at some
2 9 time during the period for which the excuse is sought, be a
2 10 participant in an organized and supervised athletic program
2 11 which requires at least as much time of participation per week
2 12 as ~~one-eighth~~ one-fourth unit of physical education.

2 13 Sec. 4. DEPARTMENT OF EDUCATION. The department of
2 14 education shall convene, and provide administrative support
2 15 to, an advisory committee of appropriate education
2 16 stakeholders to consider the physical education requirements
2 17 under section 256.11 and make recommendations for changes to
2 18 the requirements. The department of education shall submit
2 19 the advisory committee's findings and recommendations to the
2 20 general assembly by January 14, 2008.

2 21 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance
2 22 with section 25B.2, subsection 3, the state cost of requiring
2 23 compliance with any state mandate included in this Act shall
2 24 be paid by a school district from state school foundation aid
2 25 received by the school district under section 257.16. This
2 26 specification of the payment of the state cost shall be deemed
2 27 to meet all the state funding-related requirements of section
2 28 25B.2, subsection 3, and no additional state funding shall be
2 29 necessary for the full implementation of this Act by and
2 30 enforcement of this Act against all affected school districts.

2 31 EXPLANATION

2 32 This bill increases the physical education unit requirement
2 33 from one-eighth unit per semester to one-quarter, or from 50
2 34 minutes per week to 100 minutes per week, for grades nine
2 35 through 12. The bill also provides that "physical education



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3 1 activities", which all physically able students who do not
3 2 qualify for an exemption must participate in, includes a
3 3 minimum of 100 minutes per week, of activities designed to
3 4 increase cardiovascular fitness.

3 5 Rules adopted by the state board currently provide that
3 6 physical fitness activities include activities that increase
3 7 cardiovascular endurance, muscular strength and flexibility;
3 8 sports and games; tumbling and gymnastics; rhythms and dance;
3 9 water safety; leisure and lifetime activities.

3 10 The bill also directs the department of education to
3 11 convene an advisory committee to consider the statutory
3 12 physical education requirements and submit findings and
3 13 recommendations to the general assembly by January 14, 2008.

3 14 The bill may include a state mandate as defined in Code
3 15 section 25B.3. The bill requires that the state cost of any
3 16 state mandate included in the bill be paid by a school
3 17 district from state school foundation aid received by the
3 18 school district under section 257.16. The specification is
3 19 deemed to constitute state compliance with any state mandate
3 20 funding-related requirements of Code section 25B.2. The
3 21 inclusion of this specification is intended to reinstate the
3 22 requirement of political subdivisions to comply with any state
3 23 mandates included in the bill.

3 24 LSB 1697SV 82

3 25 kh:sc/es/88



Iowa General Assembly
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Senate File 465 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1227)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to leaves of absence for service in elective
- 2 office.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1921SV 82
- 5 sc/es/88



Iowa General Assembly
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Senate File 465 - Introduced continued

PAG LIN

1 1 Section 1. Section 55.1, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:
1 3 A person who is elected to a municipal, county, state, or
1 4 federal office shall, upon written application to the employer
1 5 of that person, be granted a leave of absence from regular
1 6 employment to serve in that office except where prohibited by
1 7 the federal law. The leave of absence may be granted without
1 8 pay ~~and~~, except that if a salaried employee takes leave
1 9 without pay from regular employment for a portion of a pay
1 10 period, the employee's salaried compensation for that pay
1 11 period shall be reduced by the ratio of the number of days of
1 12 leave taken to the total number of days in the pay period.
1 13 The leave of absence shall be granted without loss of net
1 14 credited service and benefits earned. This section shall not
1 15 be construed to require an employer to pay pension, health or
1 16 other benefits during the leave of absence to an employee
1 17 taking a leave of absence under this section.

1 18 Sec. 2. Section 55.1, unnumbered paragraph 3, Code 2007,
1 19 is amended to read as follows:
1 20 An employee shall not be prohibited from returning to
1 21 regular employment before the period expires for which the
1 22 leave of absence was granted. This section applies only to
1 23 employers which employ twenty or more full-time persons. ~~The~~
1 24 ~~leave of absence granted by this section need not exceed six~~
1 25 ~~years.~~ The leave of absence granted by this section does not
1 26 apply to an elective office held by the employee prior to the
1 27 election.

1 28 EXPLANATION
1 29 Current law provides that a leave of absence granted to a
1 30 person elected to a municipal, county, state, or federal
1 31 office need not exceed six years. This bill removes the
1 32 six-year limitation.
1 33 The bill also provides that if a salaried employee takes
1 34 leave without pay to serve in elected office the salaried
1 35 compensation for the pay period shall be reduced pro rata to



**Iowa General Assembly
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Senate File 465 - Introduced continued

2 1 the number of days taken.
2 2 LSB 1921SV 82
2 3 sc:nh/es/88



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 08, 2007

Senate File 466 - Introduced

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 152)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act allowing certain associations to qualify as self-insurers
- 2 for purposes of Iowa's motor vehicle financial responsibility
- 3 laws.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1315SV 82
- 6 av/gg/14



Iowa General Assembly
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March 08, 2007

Senate File 466 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.20B, subsection 2, paragraph b,
1 2 Code 2007, is amended to read as follows:

1 3 b. The ~~insurance division and the department, as~~
~~1 4 appropriate,~~ shall adopt rules regarding the contents of a
1 5 financial liability coverage card to be issued pursuant to
1 6 this section.

1 7 (1) Notwithstanding the provisions of this section, a
1 8 fleet owner who is issued a certificate of self=insurance
1 9 pursuant to section 321A.34, subsection 1, is not required to
1 10 maintain in each vehicle a financial liability coverage card
1 11 with the individual registration number or the vehicle
1 12 identification number of the vehicle included on the card.
1 13 Such fleet owner shall be required to maintain a financial
1 14 liability coverage card in each vehicle in the fleet including
1 15 information deemed appropriate by the ~~commissioner of~~
~~1 16 insurance or the director, as applicable.~~

1 17 (2) An association of individual members that is issued a
1 18 certificate of self=insurance pursuant to section 321A.34,
1 19 subsection 2, is required to maintain in each vehicle of an
1 20 individual member a financial liability coverage card that
1 21 complies with the provisions of this section and in addition
1 22 contains information relating to the association and the
1 23 association's certificate of self=insurance as is deemed
1 24 appropriate by the director.

1 25 Sec. 2. Section 321A.34, subsections 1 and 2, Code 2007,
1 26 are amended to read as follows:

1 27 1. a. Any person in whose name more than twenty=five
1 28 motor vehicles are registered may qualify as a self=insurer by
1 29 obtaining a certificate of self=insurance issued by the
1 30 department as provided in ~~subsection 2 of this section~~
1 31 paragraph "b".

1 32 ~~2.~~ b. The department may, upon the application of such a
1 33 person, issue a certificate of self=insurance if the
1 34 department is satisfied that the person has and will continue
1 35 to have the ability to pay judgments obtained against the



Iowa General Assembly
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Senate File 466 - Introduced continued

2 1 person for damages arising out of the ownership, maintenance,
2 2 or use of any vehicle owned by the person. A person issued a
2 3 certificate of self=insurance pursuant to this ~~section~~
2 4 subsection shall maintain a financial liability coverage card
2 5 as provided in section 321.20B, subsection 2, paragraph "b",
2 6 subparagraph (1).

2 7 2. a. Any association of individual members that is a
2 8 legal entity with the power to sue and be sued in its own name
2 9 and which is composed of individual members in whose names a
2 10 total of more than twenty=five motor vehicles are registered,
2 11 may qualify as a self=insurer by obtaining a certificate of
2 12 insurance issued by the department as provided in paragraph
2 13 "b".

2 14 b. The department may, upon the application of such an
2 15 association, issue a certificate of self=insurance if the
2 16 department is satisfied that the association has and will
2 17 continue to have the ability to pay judgments obtained against
2 18 the association or against an individual member of the
2 19 association for damages arising out of the ownership,
2 20 maintenance, or use of any vehicle owned by an individual
2 21 member of the association. An association issued a
2 22 certificate of self=insurance pursuant to this paragraph shall
2 23 maintain a financial liability coverage card as provided in
2 24 section 321.20B, subsection 2, paragraph "b", subparagraph
2 25 (2).

2 26 EXPLANATION

2 27 This bill allows certain associations to qualify as
2 28 self=insurers for purposes of Iowa's motor vehicle financial
2 29 responsibility laws.

2 30 Code section 321.20B is amended to provide that an
2 31 association of individual members that is issued a certificate
2 32 of self=insurance pursuant to Code section 321A.34, subsection
2 33 2, is required to maintain in each vehicle of an individual
2 34 member a financial liability card that complies with the
2 35 provisions of the section and in addition contains information



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Senate File 466 - Introduced continued

3 1 relating to the association and the association's certificate
3 2 of self=insurance as deemed appropriate by the director of the
3 3 department of transportation.
3 4 Code section 321.34 is amended by adding a new subsection
3 5 that allows an association of individual members that is a
3 6 legal entity with the power to sue and be sued in its own name
3 7 and which is composed of individual members in whose names a
3 8 total of more than 25 motor vehicles are registered, to
3 9 qualify as a self=insurer by obtaining a certificate of
3 10 self=insurance issued by the department of transportation.
3 11 The bill further provides that the department shall issue
3 12 such a certificate of self=insurance if the department is
3 13 satisfied that the association has and will continue to have
3 14 the ability to pay judgments obtained against the association
3 15 or against an individual member of the association for damages
3 16 arising out of the ownership, maintenance, or use of any
3 17 vehicle owned by an individual member of the association. An
3 18 association that is issued a certificate of self=insurance is
3 19 required to maintain a financial liability coverage card as
3 20 described above.
3 21 LSB 1315SV 82
3 22 av:nh/gg/14



Iowa General Assembly
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Senate File 467 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 217)

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

A BILL FOR

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



Iowa General Assembly
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March 08, 2007

Senate File 467 - Introduced continued

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

1 27 EXPLANATION

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



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Senate File 467 - Introduced continued

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



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Senate File 468 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1276)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to establishment and implementation of core
2 content standards and a model core curriculum and making an
3 appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2811SV 82
6 kh/es/88



Iowa General Assembly
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Senate File 468 - Introduced continued

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1 1 Section 1. Section 256.7, subsection 26, Code 2007, is
1 2 amended to read as follows:
1 3 26. ~~Set a goal of increasing to eighty percent the number~~
1 4 ~~of students graduating from all secondary schools in school~~
1 5 ~~districts in this state who have successfully completed the~~
1 6 ~~core curriculum recommended by the college testing service~~
1 7 ~~whose college entrance examination is taken by the majority of~~
1 8 ~~Iowa's high school students. The state goal shall be~~
1 9 ~~exclusive of students who have special or alternative means~~
1 10 ~~for satisfying graduation requirements under individualized~~
1 11 ~~educational plans developed for the students. The state board~~
1 12 ~~shall require each school district to annually report,~~
1 13 ~~beginning with the 2006==2007 school year, the percentage of~~
1 14 ~~students graduating from high school in the school district~~
1 15 ~~who complete the core curriculum. The school district shall~~
1 16 ~~report, in the comprehensive school improvement plan submitted~~
1 17 ~~in accordance with subsection 21, how the district plans to~~
1 18 ~~increase the number of students completing the recommended~~
1 19 ~~core curriculum. Taking into consideration the~~
1 20 ~~recommendations of the college testing service whose college~~
1 21 ~~entrance examination is taken by the majority of Iowa's high~~
1 22 ~~school students, Adopt rules that establish a model core~~
1 23 curriculum and requiring, beginning with the students in the
1 24 2010==2011 school year graduating class, the requirements for
1 25 high school graduation requirements for all students in school
1 26 districts shall be and accredited nonpublic schools that
1 27 include at a minimum satisfactory completion of four years of
1 28 English and language arts, three years of mathematics, three
1 29 years of science, and three years of social studies. The
1 30 model core curriculum adopted shall address the core content
1 31 standards in subsection 27 and the skills and knowledge
1 32 students need to be successful in the twenty-first century.
1 33 The model core curriculum shall include social studies and
1 34 twenty-first century learning skills which include but are not
1 35 limited to civic literacy, health literacy, technology



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Senate File 468 - Introduced continued

2 1 literacy, financial literacy, and employability skills; and
2 2 shall address the curricular needs of students in kindergarten
2 3 through grade twelve in those areas. The state board shall
2 4 continue the inclusive process begun during the initial
2 5 development of a model core curriculum for grades nine through
2 6 twelve including stakeholder involvement and alignment of the
2 7 model core curriculum to other recognized sets of national and
2 8 international standards. The state board shall also recommend
2 9 quality assessments to school districts and accredited
2 10 nonpublic schools to measure the model core curriculum.

2 11 Sec. 2. Section 256.7, Code 2007, is amended by adding the
2 12 following new subsection:

2 13 NEW SUBSECTION. 27. Adopt a set of core content standards
2 14 applicable to all students in kindergarten through grade
2 15 twelve in every school district and accredited nonpublic
2 16 school. For purposes of this subsection, "core content
2 17 standards" includes reading, mathematics, and science. The
2 18 core content standards shall be identical to the core content
2 19 standards included in Iowa's approved 2006 standards and
2 20 assessment system under Title I of the federal Elementary and
2 21 Secondary Education Act of 1965, 20 U.S.C. } 6301 et seq., as
2 22 amended by the No Child Left Behind Act of 2001, Pub. L. No.
2 23 107-110. School districts and accredited nonpublic schools
2 24 shall include, at a minimum, the core content standards
2 25 adopted pursuant to this subsection in any set of locally
2 26 developed content standards. School districts and accredited
2 27 nonpublic schools shall strive to include the model core
2 28 curriculum or set higher expectations in local standards. As
2 29 changes in federal law or regulation occur, the state board is
2 30 authorized to amend the core content standards as appropriate.

2 31 Sec. 3. Section 279.61, subsection 1, Code 2007, is
2 32 amended to read as follows:

2 33 1. For the school year beginning July 1, ~~2006~~ 2007, and
2 34 each succeeding school year, the board of directors of each
2 35 school district shall cooperate with each student enrolled in



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Senate File 468 - Introduced continued

3 1 grade eight to develop for the student a core curriculum plan
 3 2 to guide the student toward the goal of successfully
 3 3 completing, at a minimum, the model core curriculum developed
 3 4 by the state board of education pursuant to section 256.7,
 3 5 subsection 26, by the time the student graduates from high
 3 6 school. The plan shall include career options and shall
 3 7 identify the coursework needed in grades nine through twelve
 3 8 to support the student's postsecondary education and career
 3 9 options. ~~If the pupil is under eighteen years of age, the~~
~~3 10 pupil's~~ The student's parent or guardian shall sign the core
 3 11 curriculum plan developed with the student and the signed plan
 3 12 shall be included in the student's cumulative records.
 3 13 Sec. 4. DEPARTMENT OF EDUCATION == CORE CONTENT STANDARDS
 3 14 AND MODEL CORE CURRICULUM. There is appropriated from the
 3 15 general fund of the state to the department of education for
 3 16 the fiscal year beginning July 1, 2007, and ending June 30,
 3 17 2008, the following amount, or so much thereof as is
 3 18 necessary, to be used for the purposes designated:
 3 19 For implementation of the core content standards and
 3 20 establishment of the model core curriculum in accordance with
 3 21 section 256.7, subsections 26 and 27, as amended and enacted
 3 22 by this Act:
 3 23 \$ 1,500,000
 3 24 Notwithstanding section 8.33, moneys appropriated in this
 3 25 section that remain unencumbered or unobligated at the close
 3 26 of the fiscal year shall not revert but shall remain available
 3 27 for expenditure for the purposes designated until the close of
 3 28 the succeeding fiscal year.
 3 29 Sec. 5. DEPARTMENT OF EDUCATION MODEL CORE CURRICULUM
 3 30 REPORT. The department of education shall evaluate the
 3 31 readiness of school districts to adopt and support the model
 3 32 core curriculum established pursuant to section 256.7,
 3 33 subsection 26; assess the professional development necessary
 3 34 in order for school districts to support teachers in improved
 3 35 instruction; identify the barriers to full adoption of the



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Senate File 468 - Introduced continued

4 1 model core curriculum by school districts statewide; and
4 2 develop the technical assistance required to assist all school
4 3 districts to implement the model core curriculum. The
4 4 department shall submit a report summarizing its activities,
4 5 findings, and recommendations, including recommendations for
4 6 action by the general assembly to assist school districts in
4 7 delivering the model core curriculum to students, in a report
4 8 to the general assembly by January 14, 2008.

4 9 EXPLANATION

4 10 This bill directs the state board of education to adopt
4 11 rules that establish a model core curriculum and core content
4 12 standards. The bill appropriates \$1.5 million from the
4 13 general fund of the state for fiscal year 2007=2008 to the
4 14 department of education for implementation of the core content
4 15 standards and expansion of the model core curriculum. The
4 16 funds do not revert at the close of the fiscal year but may be
4 17 used in the subsequent fiscal year for the purposes
4 18 designated.

4 19 The state board of education is directed to continue the
4 20 inclusive process begun during the initial development of a
4 21 model core curriculum for grades nine through 12, including
4 22 stakeholder involvement and alignment with other recognized
4 23 sets of national and international standards. The state board
4 24 must also recommend quality assessments to school districts
4 25 and accredited nonpublic schools. The core content standards
4 26 will be applicable to all students in kindergarten through
4 27 grade 12 in every school district and accredited nonpublic
4 28 school, and include standards for reading, mathematics, and
4 29 science. The standards will be identical to those included in
4 30 Iowa's approved 2006 standards and assessment system under
4 31 Title I of the federal Elementary and Secondary Education Act
4 32 of 1965, as amended by the No Child Left Behind Act of 2001.

4 33 The model core curriculum must address the core content
4 34 standards and the skills and knowledge students need to be
4 35 successful, as well as the curricular needs of students in



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Senate File 468 - Introduced continued

5 1 kindergarten through grade 12. The model core curriculum must
5 2 include social studies and 21st century learning skills
5 3 including but not limited to civic, health, technology, and
5 4 financial literacy, and employability skills.
5 5 School districts and accredited nonpublic schools must
5 6 include, at a minimum, the core content standards in any set
5 7 of locally developed content standards.
5 8 The bill also requires that the core curriculum plan
5 9 developed by a student in grade eight and signed by the
5 10 student's parent or guardian be included in the student's
5 11 cumulative records.
5 12 The department of education is directed to evaluate school
5 13 district readiness to adopt and support the model core
5 14 curriculum, assess necessary professional development,
5 15 identify barriers to adoption, and technical assistance to
5 16 assist school districts. The department shall submit a report
5 17 to the general assembly by January 14, 2008.
5 18 LSB 2811SV 82
5 19 kh:nh/es/88



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Senate File 469 - Introduced

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 80)

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Approved

Passed House, Date _____

Vote: Ayes _____ Nays _____

A BILL FOR

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



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Senate File 469 - Introduced continued

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1 1 Section 1. Section 321.18, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 9. A new class A motor home purchased by
1 4 a nonresident at a rally in this state pursuant to section
1 5 322E.1, which is driven on a highway solely for the purpose of
1 6 removing the motor home from the state.
1 7 Sec. 2. NEW SECTION. 322E.1 MOTOR HOME MANUFACTURER'S
1 8 CLUB RALLY == RETAIL SALES OF CLASS A MOTOR HOMES.
1 9 1. Notwithstanding chapter 322, a manufacturer of class A
1 10 motor homes licensed under chapter 322 that sponsors a club
1 11 composed of owners of motor homes manufactured by the
1 12 manufacturer may display and sell new class A motor homes
1 13 manufactured by the manufacturer at a rally of those club
1 14 members if all of the following conditions apply:
1 15 a. The rally is sponsored by the manufacturer.
1 16 b. The rally is held on the grounds of a county fair as
1 17 described in chapter 174.
1 18 c. The manufacturer conducts no more than one rally
1 19 annually in this state.
1 20 d. The rally is conducted for a single period of not more
1 21 than five consecutive days.
1 22 e. The rally is not open to the public.
1 23 f. Attendance at the rally is restricted to bona fide
1 24 members of the club sponsored by the manufacturer and the
1 25 members' immediate families.
1 26 g. Persons who attend the rally camp on the fairgrounds
1 27 where the rally is held in their respective motor homes
1 28 manufactured by the manufacturer conducting the rally.
1 29 h. Sales of class A motor homes are made by the
1 30 manufacturer only to attendees of the rally who meet the
1 31 requirements of paragraphs "f" and "g".
1 32 2. An Iowa certificate of title and registration shall not
1 33 be issued for a class A motor home sold by a manufacturer at a
1 34 rally pursuant to this section.
1 35 3. A class A motor home sold by a manufacturer at a rally



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2 1 pursuant to this section may be operated or moved on the
2 2 highways of this state only for the purpose of removing the
2 3 motor home from the state, as provided in section 321.18,
2 4 subsection 9.

2 5 EXPLANATION

2 6 This bill allows a manufacturer of motor homes that is
2 7 licensed in this state to display and sell its new class A
2 8 motor homes at a camping rally conducted by the manufacturer
2 9 for members of a club composed of owners of motor homes
2 10 manufactured by the manufacturer. The manufacturer may
2 11 conduct no more than one such rally per year in this state,
2 12 the rally is not open to the public, and attendance is
2 13 restricted to club members and their immediate families. The
2 14 rally must be held on the grounds of a county fair, and the
2 15 attendees must camp on the fairgrounds in their motor homes
2 16 manufactured by the manufacturer. The period of the rally is
2 17 limited to five consecutive days and during that time, the
2 18 manufacturer may sell its new class A motor homes only to
2 19 members of the club who are attending the rally.

2 20 The bill specifies that a motor home sold at such a camping
2 21 rally shall not be titled or registered in Iowa, but the motor
2 22 home may be operated on a highway solely for the purpose of
2 23 removing it from the state. The provisions of Code chapter
2 24 322 governing motor vehicle dealers and retail sales of motor
2 25 vehicles are not applicable to motor home sales at
2 26 manufacturer-sponsored camping rallies.

2 27 LSB 1367SV 82

2 28 dea:nh/gg/14



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Senate File 470 - Introduced

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1320)

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

A BILL FOR

- 1 An Act providing for an agricultural=biomanufacturing initiative
- 2 and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2820SV 82
- 5 da/je/5



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1 1 Section 1. NEW SECTION. 266.17 AGRICULTURAL=
1 2 BIOMANUFACTURING INITIATIVE.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Agricultural animal" means the same as defined in
1 6 section 717A.1.
1 7 b. "Biomufacturing" means the manufacturing of products
1 8 derived from processing biomass as a substitute for petroleum,
1 9 including but not limited to the production of renewable fuel
1 10 and other high-value products and coproducts used in
1 11 formulating rations fed to agricultural animals.
1 12 c. "Biomass" means organic material that is available on a
1 13 renewable or recurring basis, including but not limited to
1 14 crops; plants, including aquatic plants and grasses; residues;
1 15 trees grown for energy production; wood waste and wood
1 16 residues; fibers; animal wastes and other waste materials; and
1 17 fats, oils, and greases including recycled fats, oils, and
1 18 greases.
1 19 d. "Crop" means the same as defined in section 717A.1.
1 20 e. "Renewable fuel" means the same as defined in section
1 21 214A.1.
1 22 2. a. An agricultural=biomanufacturing initiative is
1 23 created at Iowa state university. The university shall
1 24 provide a synergetic approach to carry out the following
1 25 purposes:
1 26 (1) Conserve or enhance soil and water resources required
1 27 for agricultural production and maximize the production of
1 28 crops for animal agriculture and biomanufacturing.
1 29 (2) Develop and improve quality management processes used
1 30 in biomanufacturing, including but not limited to improving
1 31 efficiencies in the use of resources including feedstocks and
1 32 water resources.
1 33 b. In carrying out the purpose of the
1 34 agricultural=biomanufacturing initiative, the university may
1 35 develop all of the following:



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Senate File 470 - Introduced continued

2 1 (1) Technologies and methods which simultaneously maximize
2 2 the value of crops used as feedstock in biomanufacturing
2 3 products and coproducts.

2 4 (2) Genetic characteristics in crops and agricultural
2 5 animals which simultaneously maximize agricultural production
2 6 and increase efficiencies in biomanufacturing products and
2 7 coproducts.

2 8 (3) Agricultural practices and biomanufacturing processes
2 9 which enhance Iowa's natural resources while ensuring that the
2 10 state is competitively viable in both the production of
2 11 agricultural animals and biomanufacturing.

2 12 Sec. 2. NEW SECTION. 266.18 AGRICULTURAL=BIOMANUFACTURING
2 13 INITIATIVE == STANDING LIMITED APPROPRIATION.

2 14 1. For the fiscal period beginning July 1, 2007, and
2 15 ending June 30, 2012, there is appropriated annually from the
2 16 general fund of the state to Iowa state university, ten
2 17 million dollars, or so much thereof as is necessary, to
2 18 support the agricultural=biomanufacturing initiative as
2 19 provided in section 266.17.

2 20 2. The moneys appropriated in this section shall be used
2 21 to provide resources for laboratory space, functions, and
2 22 equipment, and to support the salaries of world=class research
2 23 personnel.

2 24 EXPLANATION

2 25 This bill creates an agricultural=biomanufacturing
2 26 initiative at Iowa state university. According to the bill,
2 27 biomanufacturing is the manufacturing of products derived from
2 28 the processing of biomass as a substitute for petroleum (such
2 29 as biofuels including ethanol and biodiesel and coproducts).
2 30 The bill requires the university to provide a synergetic
2 31 approach to support the conservation of resources necessary
2 32 for the production of crops for animal agriculture and
2 33 biomanufacturing and develop and improve processes and
2 34 products associated with biomanufacturing. The bill
2 35 appropriates \$50 million (\$10 million each year for five



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3 1 years) to Iowa state university to support the initiative, by
3 2 providing resources for laboratory space, functions, and
3 3 equipment, and to support the salaries of world=class research
3 4 personnel.
3 5 LSB 2820SV 82
3 6 da:rj/je/5



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Senate Study Bill 1326

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 relating to expunging a record of conviction for theft in
- 2 the fifth degree offenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2836SC 82
- 5 jm/je/5



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1 1 Section 1. NEW SECTION. 714.2A THEFT IN THE FIFTH DEGREE
1 2 == EXPUNGEMENT.

1 3 Upon the expiration of two years following conviction for
1 4 theft in the fifth degree in violation of section 714.2, a
1 5 person may petition the court to exonerate the person of the
1 6 conviction, if any fine and restitution have been paid, and if
1 7 the person has had no other criminal convictions, other than
1 8 simple misdemeanor violations of chapter 321 during the
1 9 two-year period. The court shall enter an order exonerating
1 10 the person of the conviction, and order that the record of the
1 11 conviction be expunged by the clerk of the district court and
1 12 the person shall be deemed exonerated of the offense as a
1 13 matter of law, if any fine and restitution have been paid, and
1 14 if the person has had no other criminal convictions, other
1 15 than simple misdemeanor violations of chapter 321.

1 16 EXPLANATION

1 17 This bill relates to expunging a record of conviction for a
1 18 theft in the fifth degree offense.

1 19 The bill provides that upon the expiration of two years
1 20 from the date of conviction for theft in the fifth degree, a
1 21 person may petition the court to exonerate the person of the
1 22 conviction, if any fine and restitution have been paid, and if
1 23 the person has had no other criminal convictions other than
1 24 simple misdemeanor violations of Code chapter 321 during the
1 25 two-year period. The court shall enter an order exonerating
1 26 the person of the conviction, and order the record expunged by
1 27 the clerk of the district court, if any fine and restitution
1 28 have been paid, and if the person has had no other criminal
1 29 convictions, other than simple misdemeanor violations of Code
1 30 chapter 321.

1 31 LSB 2836SC 82

1 32 jm:rj/je/5



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Senate Study Bill 1327

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 relating to general provisions of the uniform commercial
2 code relating to the construction and application of its
3 subject matter, and providing for a contingent effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1072SC 82
6 da/je/5



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Senate Study Bill 1327 continued

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1 1 DIVISION I
 1 2 REVISION TO ARTICLE 1
 1 3 ARTICLE 1
 1 4 GENERAL PROVISIONS
 1 5 PART 1
 1 6 ~~SHORT TITLE, CONSTRUCTION, APPLICATION,~~
 1 7 ~~AND SUBJECT MATTER OF THE CHAPTER~~
 1 8 GENERAL PROVISIONS
 1 9 Section 1. Section 554.1101, Code 2007, is amended to read
 1 10 as follows:
 1 11 554.1101 ~~SHORT TITLE~~ TITLES.
 1 12 1. This chapter shall be known and may be cited as the
 1 13 Uniform Commercial Code.
 1 14 2. This Article may be cited as Uniform Commercial Code ==
 1 15 General Provisions.
 1 16 Sec. 2. NEW SECTION. 554.1102A SCOPE OF ARTICLE.
 1 17 This Article applies to a transaction to the extent that it
 1 18 is governed by another Article of this chapter.
 1 19 Sec. 3. Section 554.1103, Code 2007, is amended to read as
 1 20 follows:
 1 21 554.1103 ~~SUPPLEMENTARY GENERAL PRINCIPLES OF LAW~~
 1 22 ~~APPLICABLE CONSTRUCTION OF THIS CHAPTER TO PROMOTE ITS~~
 1 23 ~~PURPOSES AND POLICIES == APPLICABILITY OF SUPPLEMENTAL~~
 1 24 ~~PRINCIPLES OF LAW.~~
 1 25 1. This chapter must be liberally construed and applied to
 1 26 promote its underlying purposes and policies, which are:
 1 27 a. to simplify, clarify, and modernize the law governing
 1 28 commercial transactions;
 1 29 b. to permit the continued expansion of commercial
 1 30 practices through custom, usage, and agreement of the parties;
 1 31 and
 1 32 c. to make uniform the law among the various
 1 33 jurisdictions.
 1 34 2. Unless displaced by the particular provisions of this
 1 35 chapter, the principles of law and equity, including the law



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2 1 merchant and the law relative to capacity to contract,
2 2 principal and agent, estoppel, fraud, misrepresentation,
2 3 duress, coercion, mistake, bankruptcy, ~~or~~ and other validating
2 4 or invalidating cause ~~shall~~ supplement its provisions.

2 5 Sec. 4. Section 554.1104, Code 2007, is amended to read as
2 6 follows:

2 7 554.1104 CONSTRUCTION AGAINST ~~IMPLICIT~~ IMPLIED REPEAL.

2 8 This chapter being a general ~~act~~ Act intended as a unified
2 9 coverage of its subject matter, no part of it shall be deemed
2 10 to be impliedly repealed by subsequent legislation if such
2 11 construction can reasonably be avoided.

2 12 Sec. 5. Section 554.1105, Code 2007, is amended by
2 13 striking the section and inserting in lieu thereof the
2 14 following:

2 15 554.1105 TERRITORIAL APPLICATION OF THE CHAPTER ==
2 16 PARTIES' POWER TO CHOOSE APPLICABLE LAW.

2 17 1. In this section:

2 18 a. "Domestic transaction" means a transaction other than
2 19 an international transaction.

2 20 b. "International transaction" means a transaction that
2 21 bears a reasonable relation to a country other than the United
2 22 States.

2 23 2. This section applies to a transaction to the extent
2 24 that it is governed by another Article of this chapter.

2 25 3. Except as otherwise provided in this section:

2 26 a. an agreement by parties to a domestic transaction that
2 27 any or all of their rights and obligations are to be
2 28 determined by the law of this state or of another state is
2 29 effective, whether or not the transaction bears a relation to
2 30 the state designated; and

2 31 b. an agreement by parties to an international transaction
2 32 that any or all of their rights and obligations are to be
2 33 determined by the law of this state or of another state or
2 34 country is effective, whether or not the transaction bears a
2 35 relation to the state or country designated.



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3 1 4. In the absence of an agreement effective under
3 2 subsection 3, and except as provided in subsections 5 and 6,
3 3 the rights and obligations of the parties are determined by
3 4 the law that would be selected by application of this state's
3 5 conflict of laws principles.

3 6 5. If one of the parties to a transaction is a consumer,
3 7 the following rules apply:

3 8 a. An agreement referred to in subsection 3 is not
3 9 effective unless the transaction bears a reasonable relation
3 10 to the state or country designated.

3 11 b. Application of the law of the state or country
3 12 determined pursuant to subsection 3 or 4 may not deprive the
3 13 consumer of the protection of any rule of law governing a
3 14 matter within the scope of this section, which both is
3 15 protective of consumers and may not be varied by agreement:

3 16 (1) of the state or country in which the consumer
3 17 principally resides, unless subparagraph (2) applies; or

3 18 (2) if the transaction is a sale of goods, of the state or
3 19 country in which the consumer both makes the contract and
3 20 takes delivery of those goods, if such state or country is not
3 21 the state or country in which the consumer principally
3 22 resides.

3 23 6. An agreement otherwise effective under subsection 3 is
3 24 not effective to the extent that application of the law of the
3 25 state or country designated would be contrary to a fundamental
3 26 policy of the state or country whose law would govern in the
3 27 absence of agreement under subsection 4.

3 28 7. To the extent that this chapter governs a transaction,
3 29 if one of the following provisions of this chapter specifies
3 30 the applicable law, that provision governs and a contrary
3 31 agreement is effective only to the extent permitted by the law
3 32 so specified:

3 33 a. Section 554.2402;

3 34 b. Section 554.4102;

3 35 c. Section 554.5116;



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4 1 d. Section 554.6103;
4 2 e. Section 554.8110;
4 3 f. Sections 554.9301 through 554.9307;
4 4 g. Section 554.12507;
4 5 h. Sections 554.13105 and 554.13106.
4 6 Sec. 6. Section 554.1106, subsection 1, Code 2007, is
4 7 amended to read as follows:
4 8 1. The remedies provided by this chapter ~~shall~~ must be
4 9 liberally administered to the end that the aggrieved party may
4 10 be put in as good a position as if the other party had fully
4 11 performed but neither consequential or special damages nor
4 12 penal damages may be had except as specifically provided in
4 13 this chapter or by other rule of law.
4 14 Sec. 7. NEW SECTION. 554.1106A USE OF SINGULAR AND
4 15 PLURAL == GENDER.
4 16 In this chapter, unless the statutory context otherwise
4 17 requires:
4 18 1. words in the singular number include the plural, and
4 19 those in the plural include the singular; and
4 20 2. words of any gender also refer to any other gender.
4 21 Sec. 8. Section 554.1107, Code 2007, is amended to read as
4 22 follows:
4 23 554.1107 WAIVER OR RENUNCIATION OF CLAIM OR RIGHT AFTER
4 24 BREACH.
4 25 ~~Any~~ A claim or right arising out of an alleged breach ~~can~~
4 26 may be discharged in whole or in part without consideration by
4 27 ~~a written waiver or renunciation signed and delivered by~~
4 28 agreement of the aggrieved party in an authenticated record.
4 29 Sec. 9. Section 554.1108, Code 2007, is amended to read as
4 30 follows:
4 31 554.1108 SEVERABILITY.
4 32 If any provision or clause of this chapter or its
4 33 application ~~thereof~~ to any person or ~~circumstances~~
4 34 circumstance is held invalid, ~~such~~ the invalidity ~~shall~~ does
4 35 not affect other provisions or applications of ~~the~~ this



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5 1 chapter which can be given effect without the invalid
5 2 provision or application, and to this end the provisions of
5 3 this chapter are ~~declared to be~~ severable.

5 4 Sec. 10. NEW SECTION. 554.1108A RELATION TO ELECTRONIC
5 5 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

5 6 This Article modifies, limits, and supersedes the federal
5 7 Electronic Signatures in Global and National Commerce Act, 15
5 8 U.S.C. } 7001 et seq., except that nothing in this Article
5 9 modifies, limits, or supersedes } 7001(c) of that Act or
5 10 authorizes electronic delivery of any of the notices described
5 11 in } 7003(b) of that Act.

PART 2

GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

5 13 Sec. 11. Section 554.1201, Code 2007, is amended to read
5 14 as follows:

5 16 554.1201 GENERAL DEFINITIONS.

5 17 1. Unless the context otherwise requires, words or phrases
5 18 defined in this section, or in the additional definitions
5 19 contained in other Articles of this chapter that apply to
5 20 particular Articles or Parts thereof, have the meanings
5 21 stated.

5 22 2. Subject to additional definitions contained in the
~~5 23 subsequent other Articles of this chapter which are applicable~~
5 24 that apply to specific particular Articles or Parts thereof,
~~5 25 and unless the context otherwise requires, in this chapter:~~

5 26 ~~1.~~ a. "Action" in the sense of a judicial proceeding,
5 27 includes recoupment, counterclaim, setoff, suit in equity, and
5 28 any other proceedings in which rights are determined.

5 29 ~~2.~~ b. "Aggrieved party" means a party entitled to resort
~~5 30 to pursue a remedy.~~

5 31 ~~3.~~ c. "Agreement", as distinguished from "contract",
5 32 means the bargain of the parties in fact, as found in their
5 33 language or by implication inferred from other circumstances,
5 34 including course of performance, course of dealing, or usage
5 35 of trade or course of performance as provided in this chapter



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~~6 1 (sections 554.1205 and 554.2208) section 554.1303. Whether an~~
~~6 2 agreement has legal consequences is determined by the~~
~~6 3 provisions of this chapter, if applicable; otherwise by the~~
~~6 4 law of contracts (section 554.1103). (Compare "Contract".)~~

6 5 4. d. "Bank" means ~~any~~ a person engaged in the business
6 6 of banking and includes a savings bank, savings and loan
6 7 association, credit union, and trust company.

6 8 ~~5.~~ e. "Bearer" means ~~the~~ a person in possession of ~~an~~ a
6 9 negotiable instrument, document of title, or certificated
6 10 security that is payable to bearer or ~~endorsed~~ indorsed in
6 11 blank.

6 12 ~~6.~~ f. "Bill of lading" means a document evidencing the
6 13 receipt of goods for shipment issued by a person engaged in
6 14 the business of transporting or forwarding goods, ~~and includes~~
~~6 15 an airbill. "Airbill" means a document serving for air~~
~~6 16 transportation as a bill of lading does for marine or rail~~
~~6 17 transportation, and includes an air consignment note or air~~
~~6 18 waybill.~~

6 19 ~~7.~~ g. "Branch" includes a separately incorporated foreign
6 20 branch of a bank.

6 21 ~~8.~~ h. "Burden of establishing" a fact means the burden of
6 22 persuading the ~~triers~~ trier of fact that the existence of the
6 23 fact is more probable than its nonexistence.

6 24 ~~9.~~ i. "Buyer in ordinary course of business" means a
6 25 person that buys goods in good faith, without knowledge that
6 26 the sale violates the rights of another person in the goods,
6 27 and in the ordinary course from a person, other than a
6 28 pawnbroker, in the business of selling goods of that kind. A
6 29 person buys goods in the ordinary course if the sale to the
6 30 person comports with the usual or customary practices in the
6 31 kind of business in which the seller is engaged or with the
6 32 seller's own usual or customary practices. A person that
6 33 sells oil, gas, or other minerals at the wellhead or minehead
6 34 is a person in the business of selling goods of that kind. A
6 35 buyer in ordinary course of business may buy for cash, by



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7 1 exchange of other property, or on secured or unsecured credit,
7 2 and may acquire goods or documents of title under a
7 3 ~~pre-existing~~ preexisting contract for sale. Only a buyer that
7 4 takes possession of the goods or has a right to recover the
7 5 goods from the seller under Article 2 may be a buyer in
7 6 ordinary course of business. ~~A "Buyer in ordinary course of~~
7 7 business" does not include a person that acquires goods in a
7 8 transfer in bulk or as security for or in total or partial
7 9 satisfaction of a money debt is not a buyer in ordinary course
7 10 of business.

7 11 ~~10. j. "Conspicuous":-~~ A, with reference to a term, or
7 12 clause is conspicuous when it is means so written, displayed,
7 13 or presented that a reasonable person against whom which it is
7 14 to operate ought to have noticed it. A printed heading in
7 15 capitals (as: "Nonnegotiable Bill of Lading") is conspicuous.
7 16 Language in the body of a form is "conspicuous" if it is in
7 17 larger or other contrasting type or color. But in a telegram
7 18 any stated term is "conspicuous". Whether a term or clause is
7 19 "conspicuous" or not is for a decision by for the court.
7 20 Conspicuous terms include the following:

7 21 (1) a heading in capitals equal to or greater in size than
7 22 the surrounding text, or in contrasting type, font, or color
7 23 to the surrounding text of the same or lesser size; and
7 24 (2) language in the body of a record or display in larger
7 25 type than the surrounding text, or in contrasting type, font,
7 26 or color to the surrounding text of the same size, or set off
7 27 from surrounding text of the same size by symbols or other
7 28 marks that call attention to the language.

7 29 k. "Consumer" means an individual who enters into a
7 30 transaction primarily for personal, family, or household
7 31 purposes.

7 32 ~~11. 1.~~ "Contract", as distinguished from "agreement",
7 33 means the total legal obligation which that results from the
7 34 parties' agreement as affected determined by this chapter and
7 35 as supplemented by any other applicable rules of law laws.



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8 1 ~~(Compare "Agreement".)~~
8 2 ~~12. m.~~ "Creditor" includes a general creditor, a secured
8 3 creditor, a lien creditor, and any representative of
8 4 creditors, including an assignee for the benefit of creditors,
8 5 a trustee in bankruptcy, a receiver in equity, and an executor
8 6 or administrator of an insolvent debtor's or assignor's
8 7 estate.
8 8 ~~13. n.~~ "Defendant" includes a person in the position of
8 9 defendant in a ~~cross-action or~~ counterclaim, cross-claim, or
8 10 third-party claim.
8 11 ~~14. o.~~ "Delivery", with respect to instruments an
8 12 instrument, documents document of title, or chattel paper, ~~or~~
8 13 ~~certificated securities~~ means voluntary transfer of
8 14 possession.
8 15 ~~15. p.~~ "Document of title" includes bill of lading, dock
8 16 warrant, dock receipt, warehouse receipt or order for the
8 17 delivery of goods, and also any other document which in the
8 18 regular course of business or financing is treated as
8 19 adequately evidencing that the person in possession of it is
8 20 entitled to receive, hold, and dispose of the document and the
8 21 goods it covers. To be a document of title, a document must
8 22 purport to be issued by or addressed to a bailee and purport
8 23 to cover goods in the bailee's possession which are either
8 24 identified or are fungible portions of an identified mass.
8 25 ~~16. q.~~ "Fault" means a default, breach, or wrongful act,
8 26 or omission or breach.
8 27 ~~17. r.~~ ~~"Fungible" with respect to goods or securities~~
8 28 "Fungible goods" means:
8 29 (1) goods or securities of which any unit is, by nature or
8 30 usage of trade, is the equivalent of any other like unit; or
8 31 (2) Goods which goods that by agreement are not fungible
8 32 shall be deemed fungible for the purposes of this chapter to
8 33 the extent that under a particular agreement or document
8 34 unlike units are treated as equivalents equivalent.
8 35 ~~18. s.~~ "Genuine" means free of forgery or counterfeiting.
9 1 ~~19. t.~~ "Good faith", except as otherwise provided in
9 2 Article 5, means honesty in fact in the conduct or transaction
9 3 concerned and the observance of reasonable commercial
9 4 standards of fair dealing.
9 5 ~~20. u.~~ "Holder", with respect to a negotiable instrument,
9 6 means:
9 7 (1) the person in possession if the of a negotiable
9 8 instrument that is payable either to bearer or, in the case of
9 9 an instrument payable to an identified person, if the
9 10 identified that is the person is in possession; or
9 11 (2) "Holder" with respect to a document of title means the
9 12 person in possession of a document of title if the goods are
9 13 deliverable either to bearer or to the order of the person in
9 14 possession.
9 15 ~~21.~~ To "honor" is to pay or to accept and pay, or where a
9 16 credit so engages to purchase or discount a draft complying
9 17 with the terms of the credit.
9 18 ~~22. v.~~ "Insolvency ~~proceedings~~ proceeding" includes any
9 19 assignment for the benefit of creditors or other ~~proceedings~~
9 20 proceeding intended to liquidate or rehabilitate the estate of
9 21 the person involved.



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9 22 23. w. ~~A person is "insolvent" who either has "Insolvent"~~
9 23 means:
9 24 (1) having generally ceased to pay ~~that person's~~ debts in
9 25 the ordinary course of business ~~or cannot pay that person's~~
9 26 ~~debts other than as a result of a bona fide dispute;~~
9 27 (2) being unable to pay debts as they become due; or
9 28 (3) is being insolvent within the meaning of ~~the~~ federal
9 29 bankruptcy law.
9 30 24. x. "Money" means a medium of exchange currently
9 31 authorized or adopted by a domestic or foreign government ~~and~~.
9 32 The term includes a monetary unit of account established by an
9 33 intergovernmental organization or by agreement between two or
9 34 more ~~nations~~ countries.
9 35 25. ~~A person has "notice" of a fact when~~



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10 1 ~~a. the person has actual knowledge of it; or~~
10 2 ~~b. the person has received a notice or notification of it;~~
~~10 3 or~~
10 4 ~~c. from all the facts and circumstances known to the~~
~~10 5 person at the time in question the person has reason to know~~
~~10 6 that it exists. A person "knows" or has "knowledge" of a fact~~
~~10 7 when that person has actual knowledge of it. "Discover" or~~
~~10 8 "learn" or a word or phrase of similar import refers to~~
~~10 9 knowledge rather than to reason to know. The time and~~
~~10 10 circumstances under which a notice or notification may cease~~
~~10 11 to be effective are not determined by this chapter.~~
10 12 ~~26. A person "notifies" or "gives" a notice or~~
~~10 13 notification to another by taking such steps as may be~~
~~10 14 reasonably required to inform the other in ordinary course~~
~~10 15 whether or not such other actually comes to know of it. A~~
~~10 16 person "receives" a notice or notification when~~
10 17 ~~a. it comes to that person's attention; or~~
10 18 ~~b. it is duly delivered at the place of business through~~
~~10 19 which the contract was made or at any other place held out by~~
~~10 20 that person as the place for receipt of such communications.~~
10 21 ~~27. Notice, knowledge or a notice or notification received~~
~~10 22 by an organization is effective for a particular transaction~~
~~10 23 from the time when it is brought to the attention of the~~
~~10 24 individual conducting that transaction, and in any event from~~
~~10 25 the time when it would have been brought to that individual's~~
~~10 26 attention if the organization had exercised due diligence. An~~
~~10 27 organization exercises due diligence if it maintains~~
~~10 28 reasonable routines for communicating significant information~~
~~10 29 to the person conducting the transaction and there is~~
~~10 30 reasonable compliance with the routines. Due diligence does~~
~~10 31 not require an individual acting for the organization to~~
~~10 32 communicate information unless such communication is part of~~
~~10 33 that individual's regular duties or unless the individual has~~
~~10 34 reason to know of the transaction and that the transaction~~
~~10 35 would be materially affected by the information.~~



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11 1 ~~28. y. "Organization" includes means a corporation,~~
~~11 2 government or governmental subdivision or agency, business~~
~~11 3 trust, estate, trust, partnership or association, two or more~~
~~11 4 persons having a joint or common interest, or any person other~~
11 5 legal or commercial entity than an individual.

11 6 ~~29. z. "Party", as distinct distinguished from "third~~
11 7 party", means a person who that has engaged in a transaction
11 8 or made an agreement within subject to this chapter.

11 9 ~~30. aa. "Person" includes means an individual, or an~~
~~11 10 organization (See section 554.1102) corporation, business~~
11 11 trust, estate, trust, partnership, limited liability company,
11 12 association, joint venture, government, governmental
11 13 subdivision, agency, or instrumentality, public corporation,
11 14 or any other legal or commercial entity.

11 15 ~~31. "Presumption" or "presumed" means that the trier of~~
~~11 16 fact must find the existence of the fact presumed unless and~~
~~11 17 until evidence is introduced which would support a finding of~~
~~11 18 its nonexistence.~~

11 19 ab. "Present value" means the amount as of a date certain
11 20 of one or more sums payable in the future, discounted to the
11 21 date certain by use of either an interest rate specified by
11 22 the parties if that rate is not manifestly unreasonable at the
11 23 time the transaction is entered into or, if an interest rate
11 24 is not so specified, a commercially reasonable rate that takes
11 25 into account the facts and circumstances at the time the
11 26 transaction is entered into.

11 27 ~~32. ac. "Purchase" means any voluntary transaction~~
~~11 28 creating an interest in property, including taking by sale,~~
11 29 lease, discount, negotiation, mortgage, pledge, voluntary
11 30 lien, security interest, issue, or reissue, or gift, or any
11 31 other voluntary transaction creating an interest in property.

11 32 ~~33. ad. "Purchaser" means a person who takes by purchase.~~

11 33 ae. "Record" means information that is inscribed on a
11 34 tangible medium or that is stored in an electronic or other
11 35 medium and is retrievable in perceivable form.



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12 1 ~~34.~~ af. "Remedy" means any remedial right to which an
12 2 aggrieved party is entitled with or without resort to a
12 3 tribunal.
12 4 ~~35.~~ ag. "Representative" ~~includes~~ means a person
12 5 empowered to act for another, including an agent, an officer
12 6 of a corporation or association, and a trustee, executor, or
12 7 administrator of an estate, or any other person empowered to
~~12 8 act for another.~~
12 9 ~~36.~~ ah. ~~"Rights"~~ "Right" includes ~~remedies~~ remedy.
12 10 ~~37. a.~~ ai. "Security interest" means an interest in
12 11 personal property or fixtures which secures payment or
12 12 performance of an obligation. ~~The term also~~ "Security
12 13 interest" includes any interest of a consignor and a buyer of
12 14 accounts, chattel paper, a payment intangible, or a promissory
12 15 note in a transaction that is subject to Article 9. The
12 16 "Security interest" does not include the special property
12 17 interest of a buyer of goods on identification of those goods
12 18 to a contract for sale under section 554.2401 is not a
~~12 19 "security interest", but a buyer may also acquire a "security~~
12 20 interest" by complying with Article 9. Except as otherwise
12 21 provided in section 554.2505, the right of a seller or lessor
12 22 of goods under Article 2 or 13 to retain or acquire possession
12 23 of the goods is not a "security interest", but a seller or
12 24 lessor may also acquire a "security interest" by complying
12 25 with Article 9. The retention or reservation of title by a
12 26 seller of goods notwithstanding shipment or delivery to the
12 27 buyer (section 554.2401) under section 554.2401 is limited in
12 28 effect to a reservation of a "security interest". Whether
12 29 b. Whether a transaction in the form of a lease creates a
12 30 lease or security interest "security interest" is determined
12 31 by the facts of each case; however, a transaction creates a
~~12 32 security interest if the consideration the lessee is to pay~~
~~12 33 the lessor for the right to possession and use of the goods is~~
~~12 34 an obligation for the term of the lease not subject to~~
~~12 35 termination by the lessee, and~~



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13 1 ~~(1) the original term of the lease is equal to or greater~~
~~13 2 than the remaining economic life of the goods,~~
13 3 ~~(2) the lessee is bound to renew the lease for the~~
~~13 4 remaining economic life of the goods or is bound to become the~~
~~13 5 owner of the goods,~~
13 6 ~~(3) the lessee has an option to renew the lease for the~~
~~13 7 remaining economic life of the goods for no additional~~
~~13 8 consideration or nominal additional consideration upon~~
~~13 9 compliance with the lease agreement, or~~
13 10 ~~(4) the lessee has an option to become the owner of the~~
~~13 11 goods for no additional consideration or nominal additional~~
~~13 12 consideration upon compliance with the lease agreement~~
13 13 pursuant to section 554.1203.
13 14 ~~e. A transaction does not create a security interest~~
~~13 15 merely because it provides that~~
13 16 ~~(1) the present value of the consideration the lessee is~~
~~13 17 obligated to pay the lessor for the right to possession and~~
~~13 18 use of the goods is substantially equal to or is greater than~~
~~13 19 the fair market value of the goods at the time the lease is~~
~~13 20 entered into,~~
13 21 ~~(2) the lessee assumes risk of loss of the goods, or~~
~~13 22 agrees to pay taxes, insurance, filing, recording, or~~
~~13 23 registration fees, or service or maintenance costs with~~
~~13 24 respect to the goods,~~
13 25 ~~(3) the lessee has an option to renew the lease or to~~
~~13 26 become the owner of the goods,~~
13 27 ~~(4) the lessee has an option to renew the lease for a~~
~~13 28 fixed rent that is equal to or greater than the reasonably~~
~~13 29 predictable fair market rent for the use of the goods for the~~
~~13 30 term of the renewal at the time the option is to be performed,~~
~~13 31 or~~
13 32 ~~(5) the lessee has an option to become the owner of the~~
~~13 33 goods for a fixed price that is equal to or greater than the~~
~~13 34 reasonably predictable fair market value of the goods at the~~
~~13 35 time the option is to be performed.~~



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14 1 ~~d. For purposes of this subsection:~~
14 2 ~~(1) Additional consideration is not nominal if (i) when~~
~~14 3 the option to renew the lease is granted to the lessee the~~
~~14 4 rent is stated to be the fair market rent for the use of the~~
~~14 5 goods for the term of the renewal determined at the time the~~
~~14 6 option is to be performed, or (ii) when the option to become~~
~~14 7 the owner of the goods is granted to the lessee the price is~~
~~14 8 stated to be the fair market value of the goods determined at~~
~~14 9 the time the option is to be performed. Additional~~
~~14 10 consideration is nominal if it is less than the lessee's~~
~~14 11 reasonably predictable cost of performing under the lease~~
~~14 12 agreement if the option is not exercised;~~
14 13 (2) "Reasonably predictable" and "remaining economic life
14 14 of the goods" are to be determined with reference to the facts
14 15 and circumstances at the time the transaction is entered into;
14 16 and
14 17 (3) "Present value" means the amount as of a date certain
14 18 of one or more sums payable in the future, discounted to the
14 19 date certain. The discount is determined by the interest rate
14 20 specified by the parties if the rate is not manifestly
14 21 unreasonable at the time the transaction is entered into;
14 22 otherwise, the discount is determined by a commercially
14 23 reasonable rate that takes into account the facts and
14 24 circumstances of each case at the time the transaction was
14 25 entered into.
14 26 ~~38.~~ aj. "Send" in connection with any a writing, record,
14 27 or notice means:
14 28 (1) to deposit in the mail or deliver for transmission by
14 29 any other usual means of communication with postage or cost of
14 30 transmission provided for and properly addressed and, in the
14 31 case of an instrument, to an address specified thereon or
14 32 otherwise agreed, or if there be none to any address
14 33 reasonable under the circumstances; or
14 34 (2) The receipt of in any writing other way to cause to be
14 35 received any record or notice within the time at which it



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15 1 would have arrived if properly sent ~~has the effect of a proper~~
~~15 2 sending.~~

15 3 ~~39.~~ ak. "Signed" includes using any symbol executed or
15 4 adopted ~~by a party~~ with present intention to ~~authenticate~~
15 5 adopt or accept a writing.

15 6 al. "State" means a state of the United States, the
15 7 District of Columbia, Puerto Rico, the United States Virgin
15 8 Islands, or any territory or insular possession subject to the
15 9 jurisdiction of the United States.

15 10 ~~40.~~ am. "Surety" includes a guarantor or other secondary
15 11 obligor.

15 12 ~~41.~~ "Telegram" includes a message transmitted by radio,
~~15 13 teletype, cable, any mechanical method of transmission, or the~~
~~15 14 like.~~

15 15 ~~42.~~ an. "Term" means that portion of an agreement ~~which~~
15 16 that relates to a particular matter.

15 17 ~~43.~~ ao. "Unauthorized" signature "Unauthorized signature"
15 18 means ~~one~~ a signature made without actual, implied, or
15 19 apparent authority ~~and~~. The term includes a forgery.

15 20 ~~44.~~ "Value". ~~Except as otherwise provided with respect to~~
~~15 21 negotiable instruments and bank collections (sections~~
~~15 22 554.3303, 554.4210, and 554.4211) a person gives "value" for~~
~~15 23 rights if the person acquires them~~

15 24 ~~a. in return for a binding commitment to extend credit or~~
~~15 25 for the extension of immediately available credit whether or~~
~~15 26 not drawn upon and whether or not a charge-back is provided~~
~~15 27 for in the event of difficulties in collection; or~~

15 28 ~~b. as security for or in total or partial satisfaction of~~
~~15 29 a pre-existing claim; or~~

15 30 ~~c. by accepting delivery pursuant to a pre-existing~~
~~15 31 contract for purchase; or~~

15 32 ~~d. generally, in return for any consideration sufficient~~
~~15 33 to support a simple contract.~~

15 34 ~~45.~~ ap. "Warehouse receipt" means a receipt issued by a
15 35 person engaged in the business of storing goods for hire.



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16 1 ~~46.~~ ag. ~~"Written" or "writing"~~ "Writing" includes
16 2 printing, typewriting, or any other intentional reduction to
16 3 tangible form. "Written" has a corresponding meaning.
16 4 Sec. 12. Section 554.1202, Code 2007, is amended to read
16 5 as follows:
16 6 554.1202 PRIMA FACIE EVIDENCE BY ~~THIRD PARTY~~ THIRD=PARTY
16 7 DOCUMENTS.
16 8 A document in due form purporting to be a bill of lading,
16 9 policy or certificate of insurance, official weigher's or
16 10 inspector's certificate, consular invoice, or any other
16 11 document authorized or required by the contract to be issued
16 12 by a third party ~~shall be~~ is prima facie evidence of its own
16 13 authenticity and genuineness and of the facts stated in the
16 14 document by the third party.
16 15 Sec. 13. NEW SECTION. 554.1202A NOTICE == KNOWLEDGE.
16 16 1. Subject to subsection 6, a person has "notice" of a
16 17 fact if the person:
16 18 a. has actual knowledge of it;
16 19 b. has received a notice or notification of it; or
16 20 c. from all the facts and circumstances known to the
16 21 person at the time in question, has reason to know that it
16 22 exists.
16 23 2. "Knowledge" means actual knowledge. "Knows" has a
16 24 corresponding meaning.
16 25 3. "Discover", "learn", or words of similar import refer
16 26 to knowledge rather than to reason to know.
16 27 4. A person "notifies" or "gives" a notice or notification
16 28 to another person by taking such steps as may be reasonably
16 29 required to inform the other person in ordinary course,
16 30 whether or not the other person actually comes to know of it.
16 31 5. Subject to subsection 6, a person "receives" a notice
16 32 or notification when:
16 33 a. it comes to that person's attention; or
16 34 b. it is duly delivered in a form reasonable under the
16 35 circumstances at the place of business through which the



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17 1 contract was made or at another location held out by that
17 2 person as the place for receipt of such communications.
17 3 6. Notice, knowledge, or a notice or notification received
17 4 by an organization is effective for a particular transaction
17 5 from the time it is brought to the attention of the individual
17 6 conducting that transaction and, in any event, from the time
17 7 it would have been brought to the individual's attention if
17 8 the organization had exercised due diligence. An organization
17 9 exercises due diligence if it maintains reasonable routines
17 10 for communicating significant information to the person
17 11 conducting the transaction and there is reasonable compliance
17 12 with the routines. Due diligence does not require an
17 13 individual acting for the organization to communicate
17 14 information unless the communication is part of the
17 15 individual's regular duties or the individual has reason to
17 16 know of the transaction and that the transaction would be
17 17 materially affected by the information.

17 18 Sec. 14. NEW SECTION. 554.1203A LEASE DISTINGUISHED FROM
17 19 SECURITY INTEREST.

17 20 1. Whether a transaction in the form of a lease creates a
17 21 lease or security interest is determined by the facts of each
17 22 case.

17 23 2. A transaction in the form of a lease creates a security
17 24 interest if the consideration that the lessee is to pay the
17 25 lessor for the right to possession and use of the goods is an
17 26 obligation for the term of the lease and is not subject to
17 27 termination by the lessee, and:

17 28 a. the original term of the lease is equal to or greater
17 29 than the remaining economic life of the goods;

17 30 b. the lessee is bound to renew the lease for the
17 31 remaining economic life of the goods or is bound to become the
17 32 owner of the goods;

17 33 c. the lessee has an option to renew the lease for the
17 34 remaining economic life of the goods for no additional
17 35 consideration or for nominal additional consideration upon



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18 1 compliance with the lease agreement; or
 18 2 d. the lessee has an option to become the owner of the
 18 3 goods for no additional consideration or for nominal
 18 4 additional consideration upon compliance with the lease
 18 5 agreement.
 18 6 3. A transaction in the form of a lease does not create a
 18 7 security interest merely because:
 18 8 a. the present value of the consideration the lessee is
 18 9 obligated to pay the lessor for the right to possession and
 18 10 use of the goods is substantially equal to or is greater than
 18 11 the fair market value of the goods at the time the lease is
 18 12 entered into;
 18 13 b. the lessee assumes risk of loss of the goods;
 18 14 c. the lessee agrees to pay, with respect to the goods,
 18 15 taxes, insurance, filing, recording, or registration fees, or
 18 16 service or maintenance costs;
 18 17 d. the lessee has an option to renew the lease or to
 18 18 become the owner of the goods;
 18 19 e. the lessee has an option to renew the lease for a fixed
 18 20 rent that is equal to or greater than the reasonably
 18 21 predictable fair market rent for the use of the goods for the
 18 22 term of the renewal at the time the option is to be performed;
 18 23 or
 18 24 f. the lessee has an option to become the owner of the
 18 25 goods for a fixed price that is equal to or greater than the
 18 26 reasonably predictable fair market value of the goods at the
 18 27 time the option is to be performed.
 18 28 4. Additional consideration is nominal if it is less than
 18 29 the lessee's reasonably predictable cost of performing under
 18 30 the lease agreement if the option is not exercised.
 18 31 Additional consideration is not nominal if:
 18 32 a. when the option to renew the lease is granted to the
 18 33 lessee, the rent is stated to be the fair market rent for the
 18 34 use of the goods for the term of the renewal determined at the
 18 35 time the option is to be performed; or
 19 1 b. when the option to become the owner of the goods is
 19 2 granted to the lessee, the price is stated to be the fair
 19 3 market value of the goods determined at the time the option is
 19 4 to be performed.
 19 5 5. The "remaining economic life of the goods" and
 19 6 "reasonably predictable" fair market rent, fair market value,
 19 7 or cost of performing under the lease agreement must be
 19 8 determined with reference to the facts and circumstances at
 19 9 the time the transaction is entered into.
 19 10 Sec. 15. Section 554.1204, Code 2007, is amended to read
 19 11 as follows:
 19 12 554.1204 ~~TIME == REASONABLE TIME == "SEASONABLY"~~
 19 13 SEASONABLENESS.
 19 14 ~~1. Whenever this chapter requires any action to be taken~~
 19 15 ~~within a reasonable time, any time which is not manifestly~~
 19 16 ~~unreasonable may be fixed by agreement.~~
 19 17 ~~2. What is Whether a reasonable time for taking any an~~
 19 18 ~~action required by this chapter is reasonable depends on the~~
 19 19 ~~nature, purpose, and circumstances of such the action.~~
 19 20 ~~3. 2. An action is taken "seasonably" when seasonably if~~
 19 21 ~~it is taken at or within the time agreed or, if no time is~~



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19 22 agreed, at or within a reasonable time.
19 23 Sec. 16. NEW SECTION. 554.1204A VALUE.
19 24 Except as otherwise provided in Articles 3, 4, 5, and 6, a
19 25 person gives value for rights if the person acquires them:
19 26 1. in return for a binding commitment to extend credit or
19 27 for the extension of immediately available credit, whether or
19 28 not drawn upon and whether or not a charge-back is provided
19 29 for in the event of difficulties in collection;
19 30 2. as security for, or in total or partial satisfaction
19 31 of, a preexisting claim;
19 32 3. by accepting delivery under a preexisting contract for
19 33 purchase; or
19 34 4. in return for any consideration sufficient to support a
19 35 simple contract.



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20 1 Sec. 17. Section 554.1205, Code 2007, is amended to read
20 2 as follows:

20 3 554.1205 COURSE OF PERFORMANCE, COURSE OF DEALING, AND
20 4 USAGE OF TRADE.

20 5 1. A "course of performance" is a sequence of conduct
20 6 between the parties to a particular transaction that exists
20 7 if:

20 8 a. the agreement of the parties with respect to the
20 9 transaction involves repeated occasions for performance by a
20 10 party; and

20 11 b. the other party, with knowledge of the nature of the
20 12 performance and opportunity for objection to it, accepts the
20 13 performance or acquiesces in it without objection.

20 14 1. 2. A ~~course of dealing~~ "course of dealing" is a
20 15 sequence of ~~previous~~ conduct concerning previous transactions
20 16 between the parties to a particular transaction ~~which~~ that is
20 17 fairly to be regarded as establishing a common basis of
20 18 understanding for interpreting their expressions and other
20 19 conduct.

20 20 2. 3. A ~~usage of trade~~ "usage of trade" is any practice
20 21 or method of dealing having such regularity of observance in a
20 22 place, vocation, or trade as to justify an expectation that it
20 23 will be observed with respect to the transaction in question.
20 24 The existence and scope of such a usage ~~are to~~ must be proved
20 25 as facts. If it is established that such a usage is embodied
20 26 in a ~~written~~ trade code or similar ~~writing~~ record, the
20 27 interpretation of the ~~writing~~ record is ~~for the court~~ a
20 28 question of law.

20 29 3. 4. A course of performance or course of dealing
20 30 between the parties ~~and any or~~ usage of trade in the vocation
20 31 or trade in which they are engaged or of which they are or
20 32 should be aware ~~give particular meaning to and supplement or~~
20 33 ~~qualify terms of an~~ is relevant in ascertaining the meaning of
20 34 the parties' agreement may give particular meaning to specific
20 35 terms of the agreement, and may supplement or qualify the



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21 1 terms of the agreement. A usage of trade applicable in the
21 2 place in which part of the performance under the agreement is
21 3 to occur may be so utilized as to that part of the
21 4 performance.

21 5 4. ~~5.~~ ~~The~~ Except as otherwise provided in subsection 6,
21 6 the express terms of an agreement and ~~an~~ any applicable course
21 7 of dealing, or usage of trade ~~shall~~ must be construed wherever
21 8 reasonable as consistent with each other; ~~but when.~~ If such a
21 9 construction is unreasonable:

21 10 a. express terms ~~control both~~ prevail over course of
21 11 performance, course of dealing, and usage of trade;

21 12 b. course of performance prevails over course of dealing
21 13 and usage of trade; and

21 14 c. course of dealing ~~controls~~ prevails over usage of
21 15 trade.

21 16 5. ~~6.~~ ~~An applicable usage of trade in the place where any~~
21 17 ~~part~~ Subject to section 554.2209, a course of performance is
21 18 ~~to occur shall be used in interpreting the agreement as to~~
21 19 ~~that part~~ relevant to show a waiver or modification of any
21 20 term inconsistent with the course of ~~the~~ performance.

21 21 ~~6.~~ 7. Evidence of a relevant usage of trade offered by
21 22 one party is not admissible unless ~~and until~~ that party has
21 23 given the other party ~~such~~ notice ~~as~~ that the court finds
21 24 sufficient to prevent unfair surprise to the ~~latter~~ other
21 25 party.

21 26 Sec. 18. NEW SECTION. 554.1206A PRESUMPTIONS.

21 27 Whenever this chapter creates a "presumption" with respect
21 28 to a fact, or provides that a fact is "presumed", the trier of
21 29 fact must find the existence of the fact unless and until
21 30 evidence is introduced that supports a finding of its
21 31 nonexistence.

21 32 Sec. 19. Section 554.1207, subsection 1, Code 2007, is
21 33 amended to read as follows:

21 34 1. A party ~~who,~~ that with explicit reservation of rights,
21 35 performs or promises performance or assents to performance in



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22 1 a manner demanded or offered by the other party does not
22 2 thereby prejudice the rights reserved. Such words as "without
22 3 prejudice", "under protest", or the like are sufficient.

22 4 Sec. 20. Section 554.1208, Code 2007, is amended to read
22 5 as follows:

22 6 554.1208 OPTION TO ACCELERATE AT WILL.

22 7 A term providing that one party or that party's successor
22 8 in interest may accelerate payment or performance or require
22 9 collateral or additional collateral "at will" or "~~when~~ when
22 10 the party ~~deems~~ deems itself insecure" or ~~in~~ words of similar
22 11 import ~~shall be construed to mean, means~~ that that party ~~shall~~
~~22 12 have~~ has power to do so only if that party in good faith
22 13 believes that the prospect of payment or performance is
22 14 impaired. The burden of establishing lack of good faith is on
22 15 the party against ~~whom~~ which the power has been exercised.

22 16 Sec. 21. Section 554.1209, Code 2007, is amended to read
22 17 as follows:

22 18 554.1209 SUBORDINATED OBLIGATIONS.

22 19 An obligation may be issued as subordinated to ~~payment~~
22 20 performance of another obligation of the person obligated, or
22 21 a creditor may subordinate ~~the creditor's~~ its right to ~~payment~~
22 22 performance of an obligation by agreement with either the
22 23 person obligated or another creditor of the person obligated.
22 24 ~~Such a subordination~~ Subordination does not create a security
22 25 interest as against either the common debtor or a subordinated
22 26 creditor. ~~This section shall be construed as declaring the~~
~~22 27 law as it existed prior to the enactment of this section and~~
~~22 28 not as modifying it.~~

22 29 PART 3

22 30 TERRITORIAL APPLICABILITY AND GENERAL RULES

22 31 Sec. 22. NEW SECTION. 554.1302 VARIATION BY AGREEMENT.

22 32 1. Except as otherwise provided in subsection 2 or
22 33 elsewhere in this chapter, the effect of provisions of this
22 34 chapter may be varied by agreement.

22 35 2. The obligations of good faith, diligence,



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23 1 reasonableness, and care prescribed by this chapter may not be
23 2 disclaimed by agreement. The parties, by agreement, may
23 3 determine the standards by which the performance of those
23 4 obligations is to be measured if those standards are not
23 5 manifestly unreasonable. Whenever this chapter requires an
23 6 action to be taken within a reasonable time, a time that is
23 7 not manifestly unreasonable may be fixed by agreement.

23 8 3. The presence in certain provisions of this chapter of
23 9 the phrase "unless otherwise agreed", or words of similar
23 10 import, does not imply that the effect of other provisions may
23 11 not be varied by agreement under this section.

23 12 DIVISION II

23 13 CONFORMING AMENDMENTS TO OTHER ARTICLES

23 14 PART A

23 15 ARTICLE 2

23 16 Sec. 23. Section 554.2103, subsection 1, paragraph b, Code
23 17 2007, is amended by striking the paragraph.

23 18 Sec. 24. Section 554.2202, subsection a, Code 2007, is
23 19 amended to read as follows:

23 20 a. by course of performance, course of dealing, or usage
23 21 of trade (section ~~554.1205~~ 554.1303) ~~or by course of~~
~~23 22 performance (section 554.2208); and~~

23 23 PART B

23 24 ARTICLE 3

23 25 Sec. 25. Section 554.3103, subsection 1, paragraph d, Code
23 26 2007, is amended by striking the paragraph.

23 27 Sec. 26. Code 554.3103, subsection 1, paragraph j, Code
23 28 2007, is amended to read as follows:

23 29 j. "Prove" with respect to a fact means to meet the burden
23 30 of establishing the fact (section 554.1201, subsection ~~g~~ 2,
23 31 paragraph "h").

23 32 PART C

23 33 ARTICLE 4

23 34 Sec. 27. Section 554.4104, subsection 3, Code 2007, is
23 35 amended to read as follows:



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24	1	3. The following definitions in other Articles apply to	
24	2	this Article:	
24	3	"Acceptance"	Section 554.3409
24	4	"Alteration"	Section 554.3407
24	5	"Cashier's check"	Section 554.3104
24	6	"Certificate of deposit"	Section 554.3104
24	7	"Certified check"	Section 554.3409
24	8	"Check"	Section 554.3104
24	9	"Good faith"	Section 554.3103
24	10	"Holder in due course"	Section 554.3302
24	11	"Instrument"	Section 554.3104
24	12	"Notice of dishonor"	Section 554.3503
24	13	"Order"	Section 554.3103
24	14	"Ordinary care"	Section 554.3103
24	15	"Person entitled	
24	16	to enforce"	Section 554.3301
24	17	"Presentment"	Section 554.3501
24	18	"Promise"	Section 554.3103
24	19	"Prove"	Section 554.3103
24	20	"Teller's check"	Section 554.3104
24	21	"Unauthorized signature"	Section 554.3403

PART D

ARTICLE 5

24 24 Sec. 28. Section 554.5103, subsection 3, Code 2007, is
 24 25 amended to read as follows:
 24 26 3. With the exception of this subsection, subsections 1
 24 27 and 4, section 554.5102, subsection 1, paragraphs "i" and "j",
 24 28 section 554.5106, subsection 4, and section 554.5114,
 24 29 subsection 4, and except to the extent prohibited in section
 24 30 ~~554.1102, subsection 3, 554.1302~~ and section 554.5117,
 24 31 subsection 4, the effect of this Article may be varied by
 24 32 agreement or by a provision stated or incorporated by
 24 33 reference in an undertaking. A term in an agreement or
 24 34 undertaking generally excusing liability or generally limiting
 24 35 remedies for failure to perform obligations is not sufficient



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25 1 to vary obligations prescribed by this Article.

25 2 PART E

25 3 ARTICLE 8

25 4 Sec. 29. Section 554.8102, subsection 1, paragraph j, Code
25 5 2007, is amended by striking the paragraph.

25 6 PART F

25 7 ARTICLE 9

25 8 Sec. 30. Section 554.9102, subsection 1, paragraph aq,
25 9 Code 2007, is amended by striking the paragraph.

25 10 PART G

25 11 ARTICLE 12

25 12 Sec. 31. Section 554.12105, subsection 1, paragraph f,
25 13 Code 2007, is amended by striking the paragraph.

25 14 Sec. 32. Section 554.12105, subsection 1, paragraph g,
25 15 Code 2007, is amended to read as follows:

25 16 g. "Prove" with respect to a fact means to meet the burden
25 17 of establishing the fact as defined in section 554.1201,
25 18 subsection ~~2~~, paragraph "h".

25 19 Sec. 33. Section 554.12106, subsection 1, Code 2007, is
25 20 amended to read as follows:

25 21 1. The time of receipt of a payment order or communication
25 22 canceling or amending a payment order is determined by the
25 23 rules applicable to receipt of a notice stated in section
25 24 ~~554.1201, subsection 2~~ 554.1202. A receiving bank may
25 25 establish a cut-off time or times on a funds-transfer business
25 26 day for the receipt and processing of payment orders, and
25 27 communications canceling or amending payment orders.
25 28 Different cut-off times may apply to payment orders,
25 29 cancellations, or amendments, or to different categories of
25 30 payment orders, cancellations, or amendments. A cut-off time
25 31 may apply to senders generally, or different cut-off times may
25 32 apply to different senders or categories of payment orders.
25 33 If a payment order or communication canceling or amending a
25 34 payment order is received after the close of a funds-transfer
25 35 business day or after the appropriate cut-off time on a



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26 1 funds=transfer business day, the receiving bank may treat the
26 2 payment order or communication as received at the opening of
26 3 the next funds=transfer business day.

26 4 Sec. 34. Section 554.12204, subsection 2, Code 2007, is
26 5 amended to read as follows:

26 6 2. Reasonable time under subsection 1 may be fixed by
26 7 agreement as provided in section ~~554.1204~~ 554.1302, subsection
26 8 ~~1~~ 2, but the obligation of a receiving bank to refund payment
26 9 as stated in subsection 1 may not otherwise be varied by
26 10 agreement.

26 11 PART H

26 12 ARTICLE 13

26 13 Sec. 35. Section 554.13501, subsection 4, Code 2007, is
26 14 amended to read as follows:

26 15 4. Except as otherwise provided in section ~~554.1106~~
26 16 554.1305, subsection 1, ~~of or~~ this Article or the lease
26 17 agreement, the rights and remedies referred to in subsections
26 18 2 and 3 are cumulative.

26 19 Sec. 36. Section 554.13518, subsection 2, Code 2007, is
26 20 amended to read as follows:

26 21 2. Except as otherwise provided with respect to damages
26 22 liquidated in the lease agreement (section 554.13504) or
26 23 otherwise determined pursuant to agreement of the parties
26 24 (sections ~~554.1102, subsection 3,~~ 554.1302 and 554.13503), if
26 25 a lessee's cover is by a lease agreement substantially similar
26 26 to the original lease agreement and the new lease agreement is
26 27 made in good faith and in a commercially reasonable manner,
26 28 the lessee may recover from the lessor as damages (i) the
26 29 present value, as of the date of the commencement of the term
26 30 of the new lease agreement, of the rent under the new lease
26 31 agreement applicable to that period of the new lease term
26 32 which is comparable to the then remaining term of the original
26 33 lease agreement minus the present value as of the same date of
26 34 the total rent for the then remaining lease term of the
26 35 original lease agreement, and (ii) any incidental or



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27 1 consequential damages, less expenses saved in consequence of
27 2 the lessor's default.

27 3 Sec. 37. Section 554.13519, subsection 1, Code 2007, is
27 4 amended to read as follows:

27 5 1. Except as otherwise provided with respect to damages
27 6 liquidated in the lease agreement (section 554.13504) or
27 7 otherwise determined pursuant to agreement of the parties
27 8 (sections ~~554.1102, subsection 3,~~ 554.1302 and 554.13503), if
27 9 a lessee elects not to cover or a lessee elects to cover and
27 10 the cover is by lease agreement that for any reason does not
27 11 qualify for treatment under section 554.13518, subsection 2,
27 12 or is by purchase or otherwise, the measure of damages for
27 13 nondelivery or repudiation by the lessor or for rejection or
27 14 revocation of acceptance by the lessee is the present value,
27 15 as of the date of the default, of the then market rent minus
27 16 the present value as of the same date of the original rent,
27 17 computed for the remaining lease term of the original lease
27 18 agreement, together with incidental and consequential damages,
27 19 less expenses saved in consequence of the lessor's default.

27 20 Sec. 38. Section 554.13527, subsection 2, Code 2007, is
27 21 amended to read as follows:

27 22 2. Except as otherwise provided with respect to damages
27 23 liquidated in the lease agreement (section 554.13504) or
27 24 otherwise determined pursuant to agreement of the parties
27 25 (sections ~~554.1102, subsection 3,~~ 554.1302 and 554.13503), if
27 26 the disposition is by lease agreement substantially similar to
27 27 the original lease agreement and the new lease agreement is
27 28 made in good faith and in a commercially reasonable manner,
27 29 the lessor may recover from the lessee as damages (i) accrued
27 30 and unpaid rent as of the date of the commencement of the term
27 31 of the new lease agreement, (ii) the present value, as of the
27 32 same date, of the total rent for the remaining lease term of
27 33 the original lease agreement minus the present value, as of
27 34 the same date, of the rent under the new lease agreement
27 35 applicable to that period of the new lease term which is



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28 1 comparable to the then remaining term of the original lease
28 2 agreement, and (iii) any incidental damages allowed under
28 3 section 554.13530, less expenses saved in consequence of the
28 4 lessee's default.

28 5 Sec. 39. Section 554.13528, subsection 1, Code 2007, is
28 6 amended to read as follows:

28 7 1. Except as otherwise provided with respect to damages
28 8 liquidated in the lease agreement (section 554.13504) or
28 9 otherwise determined pursuant to agreement of the parties
28 10 (sections ~~554.1102, subsection 3,~~ 554.1302 and 554.13503), if
28 11 a lessor elects to retain the goods or a lessor elects to
28 12 dispose of the goods and the disposition is by lease agreement
28 13 that for any reason does not qualify for treatment under
28 14 section 554.13527, subsection 2, or is by sale or otherwise,
28 15 the lessor may recover from the lessee as damages for a
28 16 default of the type described in section 554.13523, subsection
28 17 1, or section 554.13523, subsection 3, paragraph "a", or, if
28 18 agreed, for other default of the lessee, (i) accrued and
28 19 unpaid rent as of the date of default if the lessee has never
28 20 taken possession of the goods, or, if the lessee has taken
28 21 possession of the goods, as of the date the lessor repossesses
28 22 the goods or an earlier date on which the lessee makes a
28 23 tender of the goods to the lessor, (ii) the present value as
28 24 of the date determined under clause (i) of the total rent for
28 25 the then remaining lease term of the original lease agreement
28 26 minus the present value as of the same date of the market rent
28 27 at the place where the goods are located computed for the same
28 28 lease term, and (iii) any incidental damages allowed under
28 29 section 554.13530, less expenses saved in consequence of the
28 30 lessee's default.

PART I

PROVISIONS OUTSIDE THE UNIFORM COMMERCIAL CODE

28 32 Sec. 40. Section 3.3, Code 2007, is amended to read as
28 33 follows:

28 34 3.3 HEADNOTES AND HISTORICAL REFERENCES.

29 1 Proper headnotes may be placed at the beginning of a
29 2 section of a bill or a Code section, and at the end of a Code
29 3 section there may be placed a reference to the section number
29 4 of the Code, or any Iowa Act from which the matter of the Code
29 5 section was taken. However, except as provided ~~in~~ for the
29 6 uniform commercial code, pursuant to section 554.1109
29 7 554.1107, neither said headnotes nor said historical shall not
29 8 be considered as part of the law as enacted. Historical
29 9 references shall be considered as a part of the law as
29 10 enacted.

29 11 Sec. 41. Section 537.3603, subsection 6, Code 2007, is
29 12 amended to read as follows:

29 13 6. A lease or agreement which constitutes a security
29 14 interest as defined in section 554.1201, subsection ~~37~~ 2.

29 15 Sec. 42. Section 554D.104, subsection 2, paragraph b, Code
29 16 2007, is amended to read as follows:

29 17 b. Chapter 554 other than articles 2 and 13 and ~~sections~~
29 18 ~~554.1107 and 554.1206~~ section 554.1306.

DIVISION III

CONTINGENT PROVISIONS

29 21 Sec. 43. Section 554.1201, subsections 5, 6, 14, 15, 20,



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29 22 and 45, Code 2007, are amended to read as follows:

29 23 ~~5.~~ e. "Bearer" means ~~the~~ a person in control of a
29 24 negotiable electronic document of title or a person in
29 25 possession of ~~an~~ a negotiable instrument, negotiable tangible
29 26 document of title, or certificated security that is payable to
29 27 bearer or ~~endorsed~~ indorsed in blank.

29 28 ~~6.~~ f. "Bill of lading" means a document of title
29 29 evidencing the receipt of goods for shipment issued by a
29 30 person engaged in the business of directly or indirectly
29 31 transporting or forwarding goods, and includes an airbill.
~~29 32 "Airbill" means a document serving for air transportation as a~~
~~29 33 bill of lading does for marine or rail transportation, and~~
~~29 34 includes an air consignment note or air waybill. The term~~
29 35 does not include a warehouse receipt.



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30 1 ~~14. o.~~ "Delivery", with respect to ~~instruments an~~
 30 2 electronic document of title means voluntary transfer of
 30 3 control and with respect to an instrument, documents a
 30 4 tangible document of title, or chattel paper, or certificated
~~30 5 securities means voluntary transfer of possession.~~
 30 6 ~~15. p.~~ "Document of title" ~~includes bill of lading, dock~~
~~30 7 warrant, dock receipt, warehouse receipt or order for the~~
~~30 8 delivery of goods, and also any other document which means a~~
 30 9 record (i) that in the regular course of business or financing
 30 10 is treated as adequately evidencing that the person in
 30 11 possession or control of it the record is entitled to receive,
 30 12 control, hold, and dispose of the document record and the
 30 13 goods it the record covers and (ii) that purports to be issued
 30 14 by or addressed to a bailee and to cover goods in the bailee's
 30 15 possession which are either identified or are fungible
 30 16 portions of an identified mass. The term includes a bill of
 30 17 lading, transport document, dock warrant, dock receipt,
 30 18 warehouse receipt, and order for delivery of goods. To be a
~~30 19 document of title a document must purport to be issued by or~~
~~30 20 addressed to a bailee and purport to cover goods in the~~
~~30 21 bailee's possession which are either identified or are~~
~~30 22 fungible portions of an identified mass. An electronic~~
 30 23 document of title means a document of title evidence by a
 30 24 record consisting of information stored in an electronic
 30 25 medium. A tangible document of title means a document of
 30 26 title evidenced by a record consisting of information that is
 30 27 inscribed on a tangible medium.
 30 28 ~~20. u.~~ "Holder", ~~with respect to a negotiable instrument,~~
 30 29 means:
 30 30 (1) the person in possession if the of a negotiable
 30 31 instrument that is payable either to bearer or, in the case of
~~30 32 an instrument payable to an identified person, if the~~
~~30 33 identified that is the person is in possession.;~~
 30 34 (2) ~~"Holder" with respect to a document of title means the~~
 30 35 person in possession of a negotiable tangible document of



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31 1 title if the goods are deliverable either to bearer or to the
31 2 order of the person in possession; or
31 3 (3) the person in control of a negotiable electronic
31 4 document of title.

31 5 ~~45.~~ ap. "Warehouse receipt" means a ~~receipt~~ document of
31 6 title issued by a person engaged in the business of storing
31 7 goods for hire.

31 8 Sec. 44. CONFLICTING PROVISIONS.

31 9 1. If the House File successor to House Study Bill 140, or
31 10 a Senate File companion to the House File, which revises
31 11 chapter 554, article 7, of the uniform commercial code, is
31 12 enacted in the 2007 Regular Session, notwithstanding section
31 13 4.8, all of the following apply:

31 14 a. The amendments to section 554.1201, subsections 5, 6,
31 15 14, 15, 20, and 45, Code 2007, as enacted in this division of
31 16 this Act, prevail over conflicting amendments to section
31 17 554.1201, subsections 5, 6, 14, 15, 20, and 45, Code 2007, as
31 18 enacted in division I of this Act.

31 19 b. The amendments to section 554.1201, subsections 25, 26,
31 20 and 27, as enacted in division I of this Act, prevail over
31 21 conflicting amendments to section 554.1201, subsections 25,
31 22 26, and 27, Code 2007, as enacted in the House File successor
31 23 to House Study Bill 140, or a Senate File companion to the
31 24 House File.

31 25 c. The amendments to section 554.1201, subsections 5, 6,
31 26 14, 15, 20, and 45, Code 2007, as enacted in this division of
31 27 this Act, prevail over conflicting amendments to section
31 28 554.1201, subsections 5, 6, 14, 15, 20, and 45, Code 2007, as
31 29 enacted in the House File successor to House Study Bill 140,
31 30 or a Senate File companion to the House File.

31 31 2. If the House File successor to House Study Bill 140, or
31 32 a Senate File companion to the House File, which revises
31 33 chapter 554, article 7, of the uniform commercial code, is not
31 34 enacted in the 2007 Regular Session, notwithstanding section
31 35 4.8, the amendments to section 554.1201, subsections 5, 6, 14,



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32 1 15, 20, and 45, Code 2007, as enacted in division I of this
32 2 Act, prevail over conflicting amendments to section 554.1201,
32 3 subsections 5, 6, 14, 15, 20, and 45, Code 2007, as enacted in
32 4 this division of this Act.

32 5

DIVISION IV

32 6

TRANSFERS AND RECODIFICATIONS

32 7 Sec. 45. Section 554.1105, Code 2007, is transferred to
32 8 section 554.1301.

32 9 Sec. 46. Section 554.1106, Code 2007, is transferred to
32 10 section 554.1305.

32 11 Sec. 47. Section 554.1107, Code 2007, is transferred to
32 12 section 554.1306.

32 13 Sec. 48. Section 554.1108, Code 2007, is transferred to
32 14 section 554.1105.

32 15 Sec. 49. Section 554.1109, Code 2007, is transferred to
32 16 section 554.1107.

32 17 Sec. 50. Section 554.1202, Code 2007, is transferred to
32 18 section 554.1307.

32 19 Sec. 51. Section 554.1203, Code 2007, is transferred to
32 20 section 554.1304.

32 21 Sec. 52. Section 554.1204, Code 2007, is transferred to
32 22 section 554.1205.

32 23 Sec. 53. Section 554.1205, Code 2007, is transferred to
32 24 section 554.1303.

32 25 Sec. 54. Section 554.1207, Code 2007, is transferred to
32 26 section 554.1308.

32 27 Sec. 55. Section 554.1208, Code 2007, is transferred to
32 28 section 554.1309.

32 29 Sec. 56. Section 554.1209, Code 2007, is transferred to
32 30 section 554.1310.

32 31 Sec. 57. CODIFICATION.

32 32 1. The Code editor shall codify the following new Code
32 33 sections, as enacted in this Act, into the following Code
32 34 sections, which existed immediately prior to the effective
32 35 date of this Act and which are repealed or transferred



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33 1 elsewhere by this Act:

33 2 a. Section 554.1102A to section 554.1102 following its
33 3 repeal in this Act.

33 4 b. Section 554.1106A to section 554.1106 following its
33 5 transfer in this Act.

33 6 c. Section 554.1108A to section 554.1108 following its
33 7 transfer in this Act.

33 8 d. Section 554.1202A to section 554.1202 following its
33 9 transfer in this Act.

33 10 e. Section 554.1203A to section 554.1203 following its
33 11 transfer in this Act.

33 12 f. Section 554.1204A to section 554.1204 followings its
33 13 transfer in this Act.

33 14 g. Section 554.1206A to section 554.1206 following its
33 15 transfer in this Act.

33 16 2. The Code editor may transfer section 554.1110 to
33 17 section 554.1110A.

33 18 DIVISION V

33 19 REPEALS

33 20 Sec. 58. Section 554.1102, Code 2007, is repealed.

33 21 Sec. 59. Section 554.1206, Code 2007, is repealed.

33 22 Sec. 60. Section 554.2208, Code 2007, is repealed.

33 23 Sec. 61. Section 554.13207, Code 2007, is repealed.

33 24 EXPLANATION

33 25 This bill amends Article 1 of the Uniform Commercial Code
33 26 (UCC) codified as Code chapter 554. The Article contains
33 27 general provisions such as definitions and rules of
33 28 construction and applicability that govern the Code chapter,
33 29 unless otherwise excluded in the Article or another Article.
33 30 The bill is based on recommendations by the national
33 31 conference of commissioners on uniform state laws and the
33 32 American law institute.

33 33 The bill addresses almost every section of Article 1, in
33 34 many cases, to make corrections in terminology and to combine
33 35 and transfer sections as part of a comprehensive



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34 1 reorganization of the Code chapter. Under the new
34 2 organizational scheme, the Article is divided into three
34 3 parts.
34 4 Part 1 contains general provisions relating to the short
34 5 titles for the Uniform Commercial Code and the Article, the
34 6 scope of the Article, the construction of the UCC and its
34 7 applicability, statutory construction against implied repeals,
34 8 severability, and references to singular and plural language
34 9 and gender language. A new section provides for electronic
34 10 signatures under federal law.
34 11 Part 2 provides general definitions and principles of
34 12 interpretation. For example, the bill amends the definition
34 13 of "good faith" and makes the term universally applicable
34 14 throughout the UCC with the exception of Article 5 (governing
34 15 letters of credit). The old definition referred to honesty in
34 16 fact in the conduct or transaction concerned. The bill amends
34 17 the provision to require both honesty in fact and the
34 18 observance of reasonable commercial standards of fair dealing.
34 19 There are new sections providing for fair notice of facts and
34 20 construing knowledge, methods to distinguish leases (see
34 21 Article 13) from security interests (see Article 9),
34 22 determination of value, and creating a presumption for a trier
34 23 of fact. An existing provision is amended which provides for
34 24 determining reasonableness of time before taking action.
34 25 Part 3 includes a new provision for determining territorial
34 26 applicability and the power to choose applicable law. Other
34 27 provisions govern how an agreement may vary the application of
34 28 the Code chapter. The bill amends provisions which provide
34 29 for course of dealings and usage of trade. It provides that
34 30 course of performance may be used to determine the scope and
34 31 terms of agreements, and eliminates provisions in Article 2
34 32 (governing sales) and Article 13 (governing leases) relating
34 33 to the same issue. The bill amends and transfers a number of
34 34 other provisions currently located in other parts of the
34 35 Article, including provisions relating to obligations of good



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35 1 faith, the liberal administration of remedies, the right to
35 2 waive or renounce a claim or right following a breach, the use
35 3 of third-party documents as evidence in court, the reservation
35 4 of rights, the option of a party to accelerate performance,
35 5 and the subordination of obligations.

35 6 The bill includes alternative provisions amending
35 7 definitional provisions in Article 1 which will take effect
35 8 depending on whether the general assembly enacts a bill which
35 9 adopts revisions to UCC Article 7 providing for records
35 10 relating to warehouse documents and documents of title.

35 11 Internal references in the bill use the Code section
35 12 numbers which will be assigned when the bill's provisions are
35 13 codified in the 2007 Code Supplement.

35 14 LSB 1072SC 82

35 15 da:rj/je/5



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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 relating to confinement feeding operations by providing
- 2 for the review of permits involving construction, and
- 3 including an applicability provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2840XC 82
- 6 da/gg/14



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PAG LIN

1 1 Section 1. Section 459.303, subsection 2, Code 2007, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:

1 4 2. The department shall only issue a permit to construct a
1 5 confinement feeding operation structure after the review of an
1 6 application by the board of supervisors in the county where
1 7 the proposed construction is to be located and by the
1 8 department, as provided in this section and section 459.304.
1 9 Before issuance of a permit the application must be accepted
1 10 by the board and approved by the department. However, if an
1 11 applicant is not required to be issued a permit, the
1 12 department shall still review the application, and shall
1 13 either approve the application and issue the permit or
1 14 disapprove and terminate the application, all without county
1 15 review, as otherwise provided in section 459.304.

1 16 Sec. 2. Section 459.304, subsection 2, unnumbered
1 17 paragraph 1, Code 2007, is amended to read as follows:

1 18 ~~Regardless of whether the county board of supervisors has~~
1 19 ~~adopted a construction evaluation resolution, the A county~~
1 20 board of supervisors may provide ~~comment~~ comments to the
1 21 department ~~on~~ regarding the department's determination to
1 22 approve or disapprove an application proposing to construct a
1 23 construction permit application for a confinement feeding
1 24 operation structure in the county.

1 25 Sec. 3. Section 459.304, subsections 3 through 8, Code
1 26 2007, are amended to read as follows:

1 27 3. A county board of supervisors ~~may~~ shall adopt a
1 28 construction evaluation ~~resolution~~ ordinance relating to the
1 29 construction of a confinement feeding operation structure.

1 30 a. As part of the ordinance, the board shall establish a
1 31 construction evaluation committee and provide for its
1 32 procedures. The board shall appoint persons to serve as
1 33 committee members as follows:

1 34 (1) Five persons who shall serve as voting members for
1 35 staggered five-year terms as provided in the ordinance. The



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2 1 members shall include the following: the county's
2 2 environmental health officer; a commissioner of a soil and
2 3 water conservation district located in the county as provided
2 4 in chapter 161A; a real estate broker licensed pursuant to
2 5 chapter 543B who resides in the county; a person who resides
2 6 in a city which is located in the county; and a person
2 7 actively engaged in the care and feeding of animals.

2 8 (2) One member of the board who shall serve as an ex
2 9 officio, nonvoting member for a term as provided in the
2 10 ordinance.

2 11 b. The board ~~must~~ shall submit ~~such resolution the~~
2 12 construction evaluation ordinance to the department for filing
2 13 as required by the department. ~~If the board has submitted~~
~~2 14 such resolution to the department, the board may evaluate the~~
~~2 15 construction permit application and submit an adopted~~
~~2 16 recommendation to the department to approve or disapprove a~~
~~2 17 construction permit application as provided in this~~
~~2 18 subsection.~~

2 19 c. The board ~~must~~ shall make ~~its decision to recommend~~
~~2 20 approval or disapproval of a decision to accept or reject the~~
2 21 permit application as ~~provided in this subsection.~~ follows:

2 22 a. (1) For the expansion of a confinement feeding
2 23 operation that includes a confinement feeding
2 24 structure constructed prior to April 1, 2002, the board shall
2 25 not ~~evaluate~~ review a construction permit application for the
2 26 construction or expansion of a confinement feeding operation
2 27 structure if after the expansion of the confinement feeding
2 28 operation, its animal unit capacity is one thousand six
2 29 hundred sixty=six animal units or less.

2 30 b. (2) The board ~~must~~ shall make its decision to accept or
2 31 reject an application based on the results of the master
2 32 matrix.

2 33 (a) The board shall submit the application to the
2 34 committee for review. The committee shall conduct an
2 35 evaluation of the application using the master matrix as



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3 1 provided in section 459.305. ~~The board's recommendation may~~
3 2 ~~be based on the master matrix or may be based on comments~~
3 3 ~~under this section regardless of the results of the master~~
3 4 ~~matrix. After its review, the committee shall recommend that~~
3 5 ~~the board accept or reject the application in a manner~~
3 6 ~~provided for by the board. The committee's recommendation~~
3 7 ~~shall be based on a rating produced by using the master~~
3 8 ~~matrix. The recommendation, including the completed master~~
3 9 ~~matrix, must be contained in a written report submitted to the~~
3 10 ~~board within thirty days after the date that the department~~
3 11 ~~receives a complete application pursuant to section 455B.303.~~
3 12 (b) ~~The board shall consider and adopt or not adopt the~~
3 13 ~~committee's recommendation. If the board does not adopt the~~
3 14 ~~committee's recommendation to accept the application, the~~
3 15 ~~board must conduct an independent evaluation of the~~
3 16 ~~application using the master matrix. The board shall reject~~
3 17 ~~an application that does not achieve a satisfactory rating.~~
3 18 ~~The board shall accept an application that does achieve a~~
3 19 ~~satisfactory score.~~
3 20 e. (c) ~~In completing the master matrix, the board county~~
3 21 ~~shall not score criteria on a selective basis. The board~~
3 22 ~~county must score all criteria which is part of the master~~
3 23 ~~matrix according to the terms and conditions relating to~~
3 24 ~~construction as specified in the application or commitments~~
3 25 ~~for manure management that are to be incorporated into a~~
3 26 ~~manure management plan as provided in section 459.312.~~
3 27 d. ~~The board's adopted recommendation~~ board shall decide
3 28 ~~to accept or reject an application pursuant to a motion and~~
3 29 ~~the decision shall be submitted to the department as required~~
3 30 ~~by the department. The board's decision shall include the~~
3 31 ~~committee's report, any reason for not adopting the~~
3 32 ~~recommendation submitted to the board by the committee, and a~~
3 33 ~~statement of the board's adoption of the master matrix used by~~
3 34 ~~the committee or the use of a master matrix used by the board~~
3 35 ~~after conducting an independent evaluation of the application.~~



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4 1 The decision shall also include any other specific reasons
4 2 reason and any supporting documentation for the decision to
4 3 recommend approval or disapproval of which was used by the
4 4 board to accept or reject the application.
4 5 4. The department must receive the county board of
4 6 supervisor's comments ~~or evaluation for approval or~~
4 7 ~~disapproval of an~~ , if any, and a decision to accept or reject
4 8 an application for a ~~construction~~ permit to construct a
4 9 ~~confinement feeding operation structure not later than thirty~~
4 10 ~~sixty~~ days following the applicant's delivery of the
4 11 application to the department. ~~Regardless of whether the~~
4 12 ~~department receives comments or an evaluation by a county~~
4 13 ~~board of supervisors, the~~ The department must approve or
4 14 ~~disapprove an application for a construction permit issue the~~
4 15 permit or terminate the application within sixty a processing
4 16 period of ninety days following the applicant's delivery of
4 17 the application to the department. However, the applicant may
4 18 deliver a notice to the department and the board requesting a
4 19 continuance. Upon receipt of a notice, the time required for
4 20 the county or department to act upon the application shall be
4 21 suspended for the period provided in the notice, but for not
4 22 more than thirty days after the department's receipt of the
4 23 notice. The applicant may submit more than one notice.
4 24 However, the department may provide that an application is
4 25 terminated if no action is required by the county or the
4 26 department for one year following delivery of the application
4 27 to the board. The department may grant the county a
4 28 continuance upon request by the board when the committee or
4 29 the board is considering the application. The department may
4 30 also provide for a continuance when it considers the
4 31 application. The department shall provide notice to the
4 32 applicant and the board of the continuance. The time required
4 33 for the county or the department to act upon the application
4 34 shall be suspended for the period provided in the notice, but
4 35 for not more than thirty days. However, the department shall



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5 1 not grant more than one continuance to the county or provide
5 2 for more than one continuance for itself.
5 3 5. a. The department shall approve an application for a
5 4 construction permit to construct a confinement feeding
5 5 operation structure, if the board of supervisors which has
~~5 6 filed a county construction evaluation resolution submits an~~
~~5 7 adopted recommendation to approve the construction permit~~
~~5 8 application which may be based on a satisfactory rating~~
~~5 9 produced by the master matrix to the department submits a~~
5 10 decision to accept the application and the department
5 11 determines that the application meets the requirements of this
5 12 chapter. The department shall disapprove an application that
5 13 does not satisfy the requirements of this chapter regardless
5 14 of the adopted recommendation of decision submitted by the
5 15 board. The department shall consider any timely filed
5 16 comments made by the board as provided in this section to
5 17 determine if an application meets the requirements of this
5 18 chapter.
5 19 b. ~~if~~ The department shall not approve an application for
5 20 a permit to construct a confinement feeding operation
5 21 structure if the board submits to the department an adopted
~~5 22 recommendation a decision to disapprove an reject the~~
5 23 application. for a construction permit that is based on a
~~5 24 rating produced by the master matrix, the~~ The department may
5 25 set aside an application that the board rejects until the
5 26 application is terminated at the end of the processing period.
5 27 However, at any time prior to the termination, the applicant
5 28 may contest the board's decision or the department may
5 29 petition the commission to review the board's decision. Upon
5 30 notice by the applicant contesting the board's decision of a
5 31 petition by the department to the commission of the board's
5 32 decision, the department shall first determine if the
5 33 application meets the requirements of this chapter as provided
5 34 in section 459.103. The department shall disapprove an
5 35 application that does not ~~satisfy~~ meet the requirements of



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~~6 1 this chapter regardless of any result produced by using the~~
~~6 2 master matrix. If the application meets the requirements of~~
~~6 3 this chapter, the department shall conduct an independent~~
~~6 4 evaluation of the application using the master matrix. The~~
~~6 5 department shall approve the an application if it achieves a~~
~~6 6 satisfactory rating according to the department's evaluation~~
~~6 7 that does meet the requirements of this chapter, conditioned~~
~~6 8 upon the commission's resolution of all issues affecting and~~
~~6 9 approval of the application. The department shall disapprove~~
~~6 10 the application if it produces an unsatisfactory rating~~
~~6 11 regardless of whether the application satisfies the~~
~~6 12 requirements of this chapter. The department shall consider~~
~~6 13 any timely filed comments made by the board as provided in~~
~~6 14 this section to determine if an application meets the~~
~~6 15 requirements of this chapter. Upon commission request, the~~
~~6 16 department shall conduct an independent evaluation of the~~
~~6 17 application using the master matrix for consideration by the~~
~~6 18 commission during its review of the board's decision. At any~~
~~6 19 time prior to the application's termination, the applicant or~~
~~6 20 the board may contest the department's determination to~~
~~6 21 approve or disapprove the application as provided in this~~
~~6 22 section.~~

~~6 23 e. If the county board of supervisors does not submit a~~
~~6 24 construction evaluation resolution to the department, fails to~~
~~6 25 submit an adopted recommendation, submits only comments, or~~
~~6 26 fails to submit comments, the department shall approve the~~
~~6 27 application if the application meets the requirements of this~~
~~6 28 chapter as provided in section 459.103.~~

~~6 29 6. The department may conduct an inspection of the site on~~
~~6 30 which the construction is proposed after providing at a~~
~~6 31 minimum twenty-four hours' notice or upon receiving consent~~
~~6 32 from the construction permit applicant. The county board of~~
~~6 33 supervisors that has adopted a construction evaluation~~
~~6 34 resolution of the county in which the construction is~~
~~6 35 proposed, may designate a county employee to accompany a~~



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7 1 departmental official during the site inspection. The county
7 2 employee shall have the same right to access to the site's
7 3 real estate as the departmental official conducting the
7 4 inspection during the period that the county employee
7 5 accompanies the departmental official. The departmental
7 6 official and the county employee shall comply with standard
7 7 biosecurity requirements customarily required by the
7 8 confinement feeding operation that are necessary in order to
7 9 control the spread of disease among an animal population.

7 10 7. Upon written request by a county resident, the county
7 11 board of supervisors shall forward to the county resident a
7 12 copy of the board's ~~adopted recommendation~~ decision to accept
7 13 or reject the application, the report or related documentation
7 14 used by the construction evaluation committee, any county
7 15 comments to the department on the permit application, and the
7 16 department's responses, as provided in chapter 22.

7 17 8. a. The department shall deliver a notice to the
7 18 parties as follows:

7 19 (1) To the applicant of the board's decision to accept or
7 20 reject the application or the department's determination to
7 21 approve or disapprove the application. A notice shall include
7 22 an explanation of the applicant's right to contest the board's
7 23 decision or the department's determination as provided in this
7 24 section. The department shall notify the board at the same
7 25 time. The department shall deliver the notice within three
7 26 days ~~of the~~ after the submission of the board's decision or
7 27 the department's determination.

7 28 (2) To the board of the department's ~~decision~~ petition to
7 29 the commission to review the board's decision to accept or
7 30 reject the application or the department's determination to
7 31 approve or disapprove ~~an~~ the application for a construction
~~7 32 permit. If the board of supervisors has submitted an adopted~~
~~7 33 recommendation to the department for the approval or~~
~~7 34 disapproval of a construction permit application as provided~~
~~7 35 in this section, the department shall notify the board of the~~



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~~8 1 department's decision to approve or disapprove the application~~
 8 2 A notice shall include an explanation of the board's right to
 8 3 be a party in the commission's review of the board's decision
 8 4 to accept or reject the application or the board's right to
 8 5 contest the department's determination to approve or
 8 6 disapprove the application. The department shall deliver a
 8 7 copy to the applicant at the same time.

8 8 b. (1) The applicant may contest the department's
 8 9 determination to disapprove an application or the board's
 8 10 decision to reject the application, by requesting demanding a
 8 11 hearing and may elect to have the hearing conducted before an
 8 12 administrative law judge pursuant to chapter 17A or before the
 8 13 commission. If the applicant and a board of supervisors are
 8 14 both contesting the department's decision determination, the
 8 15 applicant may request that the commission presiding officer
 8 16 conduct the hearing on a consolidated basis. The commission
 8 17 shall hear the case according to procedures established by
 8 18 rules adopted by the department. The commission may hear the
 8 19 case as a contested case proceeding under chapter 17A. The
 8 20 department, upon petition by the applicant, shall deliver to
 8 21 the administrative law judge or the commission a copy of the
 8 22 board of supervisors' recommendation board's decision and the
 8 23 committee's report together with the results produced by its
 8 24 the master matrix and used by the committee, the board, and
 8 25 the department; any supporting data or documents submitted
 8 26 with the results, and comments submitted by the board to the
 8 27 department, and the department's evaluation of the application
 8 28 including the results produced by its matrix and any
 8 29 supporting data or documents. If the commission hears the
 8 30 case, its decision shall be the department's final agency
 8 31 action. The commission shall render a decision within
 8 32 thirty-five sixty days from the date that the applicant or
 8 33 board files a demand for a hearing.

8 34 (2) ~~A county board of supervisors that has submitted an~~
 8 35 ~~adopted recommendation to the department~~ The board may contest
 9 1 the department's ~~decision~~ determination by requesting a
 9 2 hearing and may elect to have the hearing conducted before an
 9 3 administrative law judge pursuant to chapter 17A or before the
 9 4 commission. If the applicant and a board are both contesting
 9 5 the department's determination, the applicant may request that
 9 6 the presiding officer conduct the hearing on a consolidated
 9 7 basis. The commission shall hear the case according to
 9 8 procedures established by rules adopted by the department.
 9 9 The commission may hear the case as a contested case
 9 10 proceeding under chapter 17A. ~~The board may request that the~~
 9 11 ~~department submit a copy of the department's evaluation of the~~
 9 12 ~~application including the results produced by its matrix and~~
 9 13 ~~any supporting data or documents. The decision by the~~
 9 14 ~~commission shall be the department's final agency action. The~~
 9 15 ~~commission shall render a decision within thirty-five sixty~~
 9 16 ~~days from the date that the board initiates the proceeding.~~

9 17 (3) The department may petition the commission to review
 9 18 the board's decision to reject the application by requesting a
 9 19 hearing and the commission may elect to have the hearing
 9 20 conducted before an administrative law judge pursuant to
 9 21 chapter 17A. If the applicant is contesting the board's



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9 22 decision to reject the application or the department's
9 23 determination to disapprove the application, or the board is a
9 24 party to the hearing reviewing the board's decision to accept
9 25 or reject the application, the department, board, or applicant
9 26 may request that the presiding officer consolidate all matters
9 27 as part of the same hearing. The commission shall hear the
9 28 case according to procedures established by rules adopted by
9 29 the department. The commission may hear the case as a
9 30 contested case proceeding under chapter 17A. The decision by
9 31 the commission shall be the department's final agency action.
9 32 The commission shall render a decision within thirty-five days
9 33 from the date that the department initiates the proceeding.
9 34 c. Judicial review of the decision of either the
9 35 department or the commission may be sought in accordance with



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11 1 department must disapprove an application that the department
11 2 determines does not satisfy the requirements of Code chapter
11 3 459 regardless of the recommendation from the board. If the
11 4 board submits a recommendation to disapprove the application,
11 5 the department must first determine if the application meets
11 6 the requirements of Code chapter 459. If the application
11 7 meets the requirements of the chapter, the department must
11 8 conduct an independent evaluation of the application using the
11 9 master matrix. The department must approve the application if
11 10 it achieves a satisfactory rating according to the
11 11 department's evaluation. The department must disapprove the
11 12 application if it produces an unsatisfactory rating regardless
11 13 of whether the application satisfies the requirements of Code
11 14 chapter 459. Both the applicant and the board may contest the
11 15 department's decision to the environmental protection
11 16 commission. The applicant may also contest the decision as a
11 17 contested case proceeding before an administrative law judge.
11 18 PROPOSED CHANGES. The bill amends Code sections 459.303
11 19 relating to the issuance of permits and 459.304 providing for
11 20 county participation, by providing that the department shall
11 21 only issue a permit to construct a confinement feeding
11 22 operation structure after the review of an application by the
11 23 board of supervisors in the county where the proposed
11 24 construction is to be located. In lieu of a county evaluation
11 25 resolution, the board of supervisors must adopt a county
11 26 evaluation ordinance. As part of the ordinance, the board
11 27 must establish a construction evaluation committee. The
11 28 committee is composed of five persons including the county's
11 29 environmental health officer (sanitarian), a commissioner of a
11 30 soil and water conservation district located in the county, a
11 31 real estate broker, a person who resides in a city, and a
11 32 person actively engaged in the care and feeding of animals.
11 33 The committee must also include one member of the board who
11 34 serves as a nonvoting, ex officio member. The committee must
11 35 recommend that the board accept or reject the application



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12 1 based on the rating produced by using the master matrix. The
12 2 board must either adopt or not adopt the committee's
12 3 recommendation. If the board does not adopt the committee's
12 4 recommendation, the board must conduct an independent
12 5 evaluation of the application using the master matrix.
12 6 The department must receive the board's comments or
12 7 decision to accept or reject an application within 60, instead
12 8 of 30, days following the applicant's delivery of the
12 9 application to the department, and must issue or not issue the
12 10 permit within 90, instead of 60, days following the
12 11 applicant's delivery of the application to the department.
12 12 The department shall not approve an application for a
12 13 permit to construct a confinement feeding operation structure
12 14 if the county rejects the application, unless the applicant
12 15 contests the board's decision or the department petitions the
12 16 commission to review the board's decision. In that case, the
12 17 department must conduct an evaluation of the application to
12 18 determine if it complies with the requirements of Code chapter
12 19 459. The department must disapprove the application or
12 20 approve the application pending the outcome of the
12 21 commission's resolution of the matter. The commission may
12 22 also request that the department conduct an independent
12 23 evaluation of the application using the master matrix.
12 24 The bill applies to applications for the issuance of
12 25 permits which have been filed with the department on or after
12 26 the effective date of the bill.
12 27 LSB 2840XC 82
12 28 da:nh/gg/14