



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
January 22, 2007

House Amendment 1001

PAG LIN

1 1 Amend House File 1 as follows:

1 2 #1. Page 1, by inserting after line 28 the

1 3 following:

1 4 <Sec. _____. DEPARTMENT OF VETERANS AFFAIRS. There

1 5 is appropriated from the general fund of the state to

1 6 the department of veterans affairs for the designated

1 7 fiscal years of the fiscal period beginning July 1,

1 8 2006, and ending June 30, 2008, the following amounts,

1 9 or so much thereof as is necessary, to be used for the

1 10 purposes designated:

1 11 To cover the estimated fiscal impact of the minimum

1 12 hourly wage increases enacted in this Act on salaries

1 13 at the Iowa veterans home:

1 14 FY 2006=2007.....	\$	18,000
1 15 FY 2007=2008.....	\$	88,000

1 16 Sec. _____. DEPARTMENT OF EDUCATION. There is

1 17 appropriated from the general fund of the state to the

1 18 department of education for the designated fiscal

1 19 years of the fiscal period beginning July 1, 2006, and

1 20 ending June 30, 2008, the following amounts, or so

1 21 much thereof as is necessary, to be used for the

1 22 purposes designated:

1 23 To cover the estimated fiscal impact of the minimum

1 24 hourly wage increases enacted in this Act on salaries

1 25 at the community colleges established under chapter

1 26 260C:

1 27 FY 2006=2007.....	\$	22,000
1 28 FY 2007=2008.....	\$	410,000

1 29 Sec. _____. STATE BOARD OF REGENTS. There is

1 30 appropriated from the general fund of the state to the

1 31 state board of regents for the designated fiscal years

1 32 of the fiscal period beginning July 1, 2006, and

1 33 ending June 30, 2008, the following amounts, or so

1 34 much thereof as is necessary, to be used for the

1 35 purposes designated:

1 36 To cover the estimated fiscal impact of the minimum

1 37 hourly wage increases enacted in this Act on salaries

1 38 at the institutions under the control of the state

1 39 board of regents:

1 40 FY 2006=2007.....	\$	350,000
1 41 FY 2007=2008.....	\$	1,400,000

1 42 Sec. _____. DEPARTMENT OF HUMAN SERVICES. There is

1 43 appropriated from the general fund of the state to the

1 44 department of human services for the designated fiscal

1 45 years of the fiscal period beginning July 1, 2006, and

1 46 ending June 30, 2008, the following amounts, or so

1 47 much thereof as is necessary, to be used for the

1 48 purposes designated:

1 49 To cover the estimated fiscal impact of the minimum

1 50 hourly wage increases enacted in this Act on salaries



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House Amendment 1001 continued

2 1 for mental health care services employees:
2 2 FY 2006=2007..... \$ 1,132,688
2 3 FY 2007=2008..... \$ 4,908,228>.
2 4 #2. Title page, line 1, by inserting after the
2 5 word <requirements> the following: <, making
2 6 appropriations to cover the estimated fiscal impact of
2 7 increases in the state minimum hourly wage,>.
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2 11 RAECKER of Polk
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2 15 UPMEYER of Hancock
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3 49 KAUFMANN of Cedar
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4 47 STRUYK of Pottawattamie
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5 9 WATTS of Dallas
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5 13 WIENCEK of Black Hawk
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5 17 WINDSCHITL of Harrison
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5 21 WORTHAN of Buena Vista
5 22 HF 1.301 82
5 23 kh/cf/6139



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House Amendment 1002

PAG LIN

1 1 Amend House File 1 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <DIVISION I
1 5 MINIMUM HOURLY WAGE REQUIREMENTS>
1 6 #2. Page 1, by inserting after line 35 the
1 7 following:
1 8 <DIVISION II
1 9 ASSOCIATION GROUP HEALTH CARE PLANS
1 10 Sec. _____. Section 509.1, Code 2007, is amended by
1 11 adding the following new subsection:
1 12 NEW SUBSECTION. 7A. A policy of group health
1 13 insurance coverage, as defined in section 513B.2,
1 14 issued by a small employer carrier, as defined in
1 15 section 513B.2, to a bona fide association, subject to
1 16 the following requirements:
1 17 a. The policy provides group health insurance
1 18 coverage to eligible employees of members of a bona
1 19 fide association that are small employers as defined
1 20 in section 513B.2, and to the spouses and dependents
1 21 of such employees.
1 22 b. The policy is issued to a bona fide
1 23 association. For the purposes of this subsection, a
1 24 bona fide association is an association which meets
1 25 all of the following requirements:
1 26 (1) The association is a trade, industry, or
1 27 professional association which is organized in good
1 28 faith as a nonprofit corporation under chapter 504 for
1 29 purposes other than obtaining insurance and has been
1 30 in existence and actively maintained for at least five
1 31 continuous years at the time the policy is issued.
1 32 (2) The association does not condition membership
1 33 in the association on the health status of employees
1 34 of its members or the health status of the spouses and
1 35 dependents of such employees.
1 36 (3) Group health insurance coverage offered by the
1 37 association is available to all eligible employees of
1 38 its members that are small employers as defined in
1 39 section 513B.2 who choose to participate in the health
1 40 insurance coverage offered, and to the spouses and
1 41 dependents of such employees, regardless of the health
1 42 status of such employees or their spouses and
1 43 dependents.
1 44 (4) Group health insurance coverage offered by the
1 45 association is available only to persons who are
1 46 eligible employees of a small employer as defined in
1 47 section 513B.2 that is a member of the association, or
1 48 to the spouses or dependents of such employees.
1 49 Sec. _____. Section 509.1, subsection 8, unnumbered
1 50 paragraph 1, Code 2007, is amended to read as follows:



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House Amendment 1002 continued

2 1 A policy issued to a resident of this state under a
2 2 group life, accident, or health insurance policy
2 3 issued to a group other than one described in
2 4 subsections 1 through 7 7A, subject to the following
2 5 requirements:

2 6 Sec. _____. Section 513B.2, subsection 6, paragraph
2 7 a, subparagraph (3), Code 2007, is amended by striking
2 8 the subparagraph and inserting in lieu thereof the
2 9 following:

2 10 (3) The coverages are provided by a policy of
2 11 group health insurance coverage through a bona fide
2 12 association as provided in section 509.1, subsection
2 13 7A, which meets the requirements for a class of
2 14 business under section 513B.4. A small employer
2 15 carrier may condition coverages under such a policy of
2 16 group health insurance coverage on any of the
2 17 following requirements:

2 18 (a) Minimum levels of participation by employees
2 19 of each member of a bona fide association that offers
2 20 the coverage to its employees.

2 21 (b) Minimum levels of contribution by each member
2 22 of a bona fide association that offers the coverage to
2 23 its employees.

2 24 (c) A specified policy term, subject to annual
2 25 premium rate adjustments as permitted by section
2 26 513B.4.

2 27 Sec. _____. Section 513B.2, subsection 6, paragraph
2 28 a, Code 2007, is amended by adding the following new
2 29 subparagraph:

2 30 NEW SUBPARAGRAPH. (4) The coverages are provided
2 31 by a policy of group health insurance coverage through
2 32 two or more bona fide associations as provided in
2 33 section 509.1, subsection 7A, which a small employer
2 34 carrier has aggregated as a distinct grouping that
2 35 meets the requirements for a class of business under
2 36 section 513B.4. After a distinct grouping of bona
2 37 fide associations is established as a class of
2 38 business, the small group carrier shall not remove a
2 39 bona fide association from the class based on the
2 40 claims experience of that association. A small
2 41 employer carrier may condition coverages under such a
2 42 policy of group health insurance coverage on any of
2 43 the following requirements:

2 44 (a) Minimum levels of participation by employees
2 45 of each member of a bona fide association in the class
2 46 that offers the coverage to its employees.

2 47 (b) Minimum levels of contribution by each member
2 48 of a bona fide association in the class that offers
2 49 the coverage to its employees.

2 50 (c) A specified policy term, subject to annual



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House Amendment 1002 continued

3 1 premium rate adjustments as permitted by section
 3 2 513B.4.
 3 3 Sec. _____. Section 513B.2, subsection 6, paragraph
 3 4 b, Code 2007, is amended to read as follows:
 3 5 b. A small employer carrier may establish ~~no more~~
~~3 6 than two~~ additional groupings under each of the
 3 7 subparagraphs in paragraph "a" on the basis of
 3 8 underwriting criteria which are expected to produce
 3 9 substantial variation in the health care costs.

DIVISION III

WELLNESS INITIATIVES

3 11 Sec. _____. Section 513B.4, Code 2007, is amended by
 3 12 adding the following new subsection:
 3 13 NEW SUBSECTION. 6. Notwithstanding subsection 4,
 3 14 a small employer carrier may offer to transfer a small
 3 15 employer into a different class of business with a
 3 16 lower index rate based upon claims experience,
 3 17 implementation of managed care or wellness programs,
 3 18 or health status improvement of the small employer
 3 19 since issue.

3 21 Sec. _____. NEW SECTION. 513B.4B SMALL EMPLOYER
 3 22 INCENTIVES == SUSPENSION OR MODIFICATION OF PREMIUM
 3 23 RATE RESTRICTIONS.

3 24 1. In order to encourage voluntary participation
 3 25 in wellness or disease management programs, a small
 3 26 employer carrier may offer premium credits or
 3 27 discounts to a small employer for the benefit of
 3 28 eligible employees of that small employer who
 3 29 participate in such a program. An employee shall not
 3 30 be penalized in any way for not participating in such
 3 31 a program.

3 32 2. The commissioner shall adopt, by rule or order,
 3 33 provisions allowing suspension or modification of
 3 34 premium rate restrictions to enable a small employer
 3 35 carrier to provide premium credits or discounts to a
 3 36 small employer based on measurable reductions in costs
 3 37 of that small employer, including but not limited to
 3 38 tobacco use cessation, participation in established
 3 39 wellness or disease management programs, and reduced
 3 40 administrative or distribution costs.

DIVISION IV

EFFECTIVE DATE>

3 43 #3. Title page, line 1, by inserting after the
 3 44 word <to> the following: <conditions of employment
 3 45 including>.

3 46 #4. Title page, line 1, by inserting after the
 3 47 word <requirements> the following: <, association
 3 48 group health care plans, wellness initiatives,>.

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6 50 TOMENGA of Polk



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7 20 WINDSCHITL of Harrison
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7 24 WORTHAN of Buena Vista
7 25 HF 1.702 82
7 26 av/gg/5470



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House Amendment 1003

PAG LIN

1 1 Amend House File 1 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <DIVISION I
1 5 MINIMUM WAGE>
1 6 #2. Page 2, by striking line 1 and inserting the
1 7 following:
1 8 <Sec. ____ . EFFECTIVE DATE. This division of this
1 9 Act, being deemed of>.
1 10 #3. Page 2, by inserting after line 2 the
1 11 following:
1 12 <DIVISION II
1 13 BEVERAGE CONTAINER HANDLING FEE
1 14 Sec. ____ . Section 455C.2, subsection 2, Code 2007,
1 15 is amended to read as follows:
1 16 2. In addition to the refund value provided in
1 17 subsection 1 of this section, a dealer, or person
1 18 operating a redemption center who redeems empty
1 19 beverage containers or a dealer agent shall be
1 20 reimbursed by the distributor required to accept the
1 21 empty beverage containers an amount which is ~~one cent~~
1 22 two cents per container. A dealer, dealer agent, or
1 23 person operating a redemption center may compact empty
1 24 metal beverage containers with the approval of the
1 25 distributor required to accept the containers.>
1 26 #4. Title page, line 1, by inserting after the
1 27 word <to> the following: <certain businesses by
1 28 increasing>.
1 29 #5. Title page, line 2, by inserting before the
1 30 word <providing> the following: <increasing the
1 31 beverage container handling fee, and>.
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1 35 BAUDLER of Adair
1 36 HF 1.714 82
1 37 kh/gg/6141
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House Amendment 1004

PAG LIN

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1 1 Amend House File 1 as follows:
1 2 #1. Page 1, line 6, by striking the figure <$6.20>
1 3 and inserting the following: <$5.85>.
1 4 #2. Page 1, by striking line 7 and inserting the
1 5 following: <$6.55 as of April 1, 2008, and $7.25 as
1 6 of April 1, 2009.>
1 7 #3. Page 1, by striking line 21 and inserting the
1 8 following: <January April 1 of 1990, 1991, or 1992,
1 9 2007, 2008, or>.
1 10 #4. Page 1, line 22, by striking the figure <2008>
1 11 and inserting the following: <2009>.
1 12 #5. Page 1, by striking lines 27 and 28 and
1 13 inserting the following: <1992 $4.95 as of April 1,
1 14 2007, $5.65 as of April 1, 2008, and $6.35 as of April
1 15 1, 2009.>
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2 49 L. MILLER of Scott
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4 1 WORTHAN of Buena Vista
4 2 HF 1.715 82
4 3 kh/gg/6143



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House Concurrent Resolution 5 - Introduced

PAG LIN

1 1 HOUSE CONCURRENT RESOLUTION 5
1 2 By McCarthy and Rants
1 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
1 4 SENATE CONCURRING, That a joint convention of the two
1 5 houses of the 2007 session of the Eighty-second
1 6 General Assembly be held on Tuesday, January 30, 2007,
1 7 at 10:00 a.m.; and
1 8 BE IT FURTHER RESOLVED, That Governor Chester J.
1 9 Culver be invited to deliver his budget message at
1 10 this joint convention of the two houses of the General
1 11 Assembly, and that the Speaker of the House of
1 12 Representatives and the President of the Senate be
1 13 designated to extend the invitation to him.
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1 15 HCR 5
1 16 dt/jg/25
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House File 73 - Introduced

HOUSE FILE
BY MAY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the speed of a motorboat operated near shore
- 2 on certain waters.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1364YH 82
- 5 av/je/5



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House File 73 - Introduced continued

PAG LIN

1 1 Section 1. Section 462A.26, subsection 3, paragraph b,
1 2 Code 2007, is amended to read as follows:
1 3 b. On all inland lakes and federal impoundments under the
1 4 jurisdiction of the commission-
1 5 ~~A~~ a motorboat shall not be operated within three hundred
1 6 feet of shore at a speed greater than ~~ten~~ five miles per hour.

1 7 EXPLANATION

1 8 This bill provides that a motorboat shall not be operated
1 9 within 300 feet of shore on any inland lake or federal
1 10 impoundment under the jurisdiction of the natural resource
1 11 commission at a speed greater than five miles per hour.
1 12 Currently, the permitted speed of operation near shore is 10
1 13 miles per hour.
1 14 A violation of this provision is punishable by a scheduled
1 15 fine of \$20.
1 16 LSB 1364YH 82
1 17 av:nh/je/5



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House File 74

HOUSE FILE
BY JOCHUM

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

A BILL FOR

1 An Act relating to the regulation of wetlands, mitigation of
2 adverse impacts to wetlands, providing penalties and fees, and
3 making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1680HH 82
6 tm/cf/24



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House File 74 continued

PAG LIN

1 1 Section 1. NEW SECTION. 456B.21 SHORT TITLE.
1 2 This subchapter shall be known and may be cited as the
1 3 "Iowa Wetlands Protection Act".
1 4 Sec. 2. NEW SECTION. 456B.22 DEFINITIONS.
1 5 As used in this subchapter, unless the context otherwise
1 6 requires:
1 7 1. "Creation" means the establishment of a wetland where
1 8 one did not formerly exist and involves wetland construction
1 9 on nonhydric soils.
1 10 2. "Enhancement" means activities conducted in an existing
1 11 wetland to improve or repair its existing or natural wetland
1 12 functions and values.
1 13 3. "Fill material" means any material free of toxic
1 14 contaminants, other than trace amounts, used to fill an
1 15 aquatic area, replace an aquatic area with dry land, or change
1 16 the bottom elevation of a wetland for any purpose. "Fill
1 17 material" does not include any of the following:
1 18 a. Material resulting from normal farming, silviculture,
1 19 or ranching activities, such as plowing, cultivating, seeding,
1 20 or harvesting for the production of food, fiber, or forest
1 21 products.
1 22 b. Material used to maintain existing structures,
1 23 including emergency reconstruction of recently damaged parts
1 24 of serviceable structures such as dikes, dams, levees,
1 25 breakwaters, causeways, or bridge abutments or approaches, or
1 26 transportation structures.
1 27 4. "Filling" means adding fill material into a wetland for
1 28 the purpose of creating an upland, changing the bottom
1 29 elevation of the wetland, or creating impoundments of water.
1 30 5. "Function" means properties of wetlands that provide
1 31 ecological or economic benefits including but not limited to
1 32 flood flow alteration, groundwater recharge, groundwater
1 33 discharge, sediment and toxicant retention, nutrient removal
1 34 or transformation, wildlife and aquatic diversity and
1 35 abundance, uniqueness, and historical and recreational value.



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2 1 These functions can be evaluated using the wetland evaluation
2 2 technique developed by the United States army corps of
2 3 engineers or a similar technique developed by the department.
2 4 6. "Isolated wetlands" means wetlands that meet all of the
2 5 following criteria:
2 6 a. The wetlands are inundated or saturated by surface or
2 7 groundwater at a frequency and duration sufficient to support,
2 8 and that under normal circumstances do support, a prevalence
2 9 of vegetation typically adapted for life in saturated soil
2 10 conditions and possess hydrophytic vegetation, hydric soils,
2 11 and wetland hydrology.
2 12 b. The wetlands do not have a surface water connection to
2 13 United States navigable waterways or as otherwise defined by
2 14 the United States army corps of engineers.
2 15 c. The wetlands are delineated in accordance with current
2 16 delineation specifications of the United States army corps of
2 17 engineers.
2 18 d. The wetlands include but are not limited to marshes,
2 19 bogs, fens, and isolated ponds.
2 20 7. "Isolated wetland permit" means a permit obtained from
2 21 the department to engage in a regulated activity in an
2 22 isolated wetland.
2 23 8. "Mitigation" means applying the following actions in
2 24 order of acceptability and preference to the department:
2 25 a. Avoiding an adverse impact.
2 26 b. Where adverse impacts cannot be avoided, minimizing an
2 27 adverse impact.
2 28 c. Where adverse impacts cannot be avoided or minimized,
2 29 rectifying an adverse impact by repairing, rehabilitating, or
2 30 restoring the affected environment.
2 31 d. Where adverse impacts cannot be avoided, minimized, or
2 32 rectified, compensating for the adverse impact by replacing or
2 33 providing substitute resources or environments of equal or
2 34 greater quality and functions.
2 35 9. "Mitigation bank service area" means the designated



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3 1 area where a mitigation bank provides appropriate compensation
3 2 for impacts to wetlands and other aquatic resources and that
3 3 is designated as such in accordance with the process
3 4 established in the federal guidance for the establishment,
3 5 use, and operation of mitigation banks.

3 6 10. "Off-site mitigation" means wetland restoration,
3 7 creation, enhancement, or preservation occurring farther than
3 8 one mile from a project boundary, but within the same
3 9 watershed.

3 10 11. "On-site mitigation" means wetland restoration,
3 11 creation, enhancement, or preservation occurring within and
3 12 not more than one mile from the project boundary, and within
3 13 the same watershed.

3 14 12. "Practicable" means available and capable of being
3 15 executed with existing technology and without significant
3 16 adverse effect on the economic feasibility of the project in
3 17 light of the overall project purposes and in consideration of
3 18 the relative environmental benefit. The department shall have
3 19 the final determination as to what measures are practicable.

3 20 13. "Preservation" means the protection of ecologically
3 21 important wetlands in perpetuity through the implementation of
3 22 appropriate legal mechanisms to prevent harm to the wetlands.
3 23 "Preservation" may include protection of adjacent upland areas
3 24 as necessary to ensure protection of a wetland.

3 25 14. "Restoration" means the reestablishment of a
3 26 previously existing wetland at a site where the wetland has
3 27 ceased to exist.

3 28 15. "Watershed" means a common surface drainage area.
3 29 "Watershed" is limited to those parts of the cataloging units
3 30 that geographically lie within the borders of this state.

3 31 16. "Wetlands" means those areas that are inundated or
3 32 saturated by surface or groundwater at a frequency and
3 33 duration that are sufficient to support, and that under normal
3 34 circumstances do support, a prevalence of vegetation typically
3 35 adapted for life in saturated soil conditions. "Wetlands"



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4 1 includes swamps, marshes, bogs, and similar areas that are
4 2 delineated in accordance with the United States army corps of
4 3 engineers.

4 4 17. "Wetland mitigation bank" means a site where wetlands
4 5 have been restored, created, enhanced, or, in exceptional
4 6 circumstances, preserved expressly for the purpose of
4 7 providing mitigation for impacts to wetlands and that has been
4 8 approved in accordance with the process established in the
4 9 federal guidelines for the establishment, use, and operation
4 10 of mitigation banks.

4 11 Sec. 3. NEW SECTION. 456B.23 PERMITTING GUIDELINES.

4 12 1. A proposed filling of an isolated wetland shall require
4 13 an isolated wetland permit and be subject to review
4 14 requirements established under this subchapter.

4 15 2. A review shall require the submission of a preactivity
4 16 notice that includes an application containing an acceptable
4 17 wetland delineation, a wetland categorization, a description
4 18 of the project, a description of the acreage of the isolated
4 19 wetland that will be subject to filling, site photographs, and
4 20 a mitigation proposal for the impact to the isolated wetland.

4 21 3. The applicant shall conduct mitigation for the proposed
4 22 filling of an isolated wetland that is subject to review.
4 23 With the approval of the director, the applicant shall conduct
4 24 either on-site mitigation, mitigation at a wetland mitigation
4 25 bank within the same United States army corps of engineers
4 26 district as the location of the proposed filling of the
4 27 isolated wetland, or off-site mitigation.

4 28 4. A person that has submitted a preactivity notice shall
4 29 complete the filling within two years after the end of the
4 30 thirty-day period following the receipt of the preactivity
4 31 notice by the department. If the filling is not completed
4 32 within that two-year period, the person shall submit a new
4 33 preactivity notice.

4 34 Sec. 4. NEW SECTION. 456B.24 PERMITS.

4 35 1. A review for an isolated wetland permit shall require



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5 1 all of the following:

5 2 a. All of the information required to be submitted with a
5 3 preactivity notice.

5 4 b. A full antidegradation review.

5 5 c. The submission of information indicating whether high=
5 6 quality waters are to be avoided by the proposed filling of
5 7 the isolated wetland.

5 8 2. The department shall issue or deny an isolated wetland
5 9 permit not later than one hundred eighty days after the
5 10 receipt of an application for the permit. The department
5 11 shall not issue an isolated wetland permit unless the
5 12 applicant has demonstrated that the proposed filling will not
5 13 prevent or interfere with the attainment or maintenance of
5 14 applicable state water quality standards.

5 15 3. a. The department may deny an isolated wetland permit
5 16 if the department determines that the proposed filling of the
5 17 isolated wetland will result in an adverse short=term or long=
5 18 term impact on water quality in the state.

5 19 b. The department may impose any practicable terms and
5 20 conditions on an isolated wetland permit to ensure adequate
5 21 protection of water quality in the state.

5 22 c. Prior to the issuance of an isolated wetland permit, or
5 23 prior to, during, or after the filling of the isolated wetland
5 24 that is the subject of the permit, the department may require
5 25 the applicant to perform various environmental quality tests,
5 26 including, without limitation, chemical analyses of water, to
5 27 sediment, or fill material and bioassays, in order to ensure
5 28 adequate protection of water quality.

5 29 4. Mitigation for the proposed filling of an isolated
5 30 wetland that is subject to review shall occur in the following
5 31 order:

5 32 a. Practicable on=site mitigation.

5 33 b. Reasonably identifiable, available, and practicable
5 34 off=site mitigation within the same watershed.

5 35 c. If the proposed filling of the isolated wetland will



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6 1 take place within a mitigation bank service area, within that
6 2 mitigation bank service area. If there is a significant
6 3 ecological reason that the mitigation location should not be
6 4 limited to the watershed in which the isolated wetland is
6 5 located and if the proposed mitigation will result in a
6 6 substantially greater ecological benefit, in a watershed that
6 7 is adjacent to the watershed in which the isolated wetland is
6 8 located.

6 9 Sec. 5. NEW SECTION. 456B.25 WETLAND MITIGATION BANKS.

6 10 1. The department shall establish a list of approved
6 11 wetland mitigation banks. In establishing the list, the
6 12 department shall give preference to wetland mitigation banks
6 13 that are comprised of areas involving the restoration of
6 14 previously existing wetlands. The list established under this
6 15 section shall not exclude state or local agencies from
6 16 developing wetland mitigation banks.

6 17 2. The department may establish and operate a wetland
6 18 mitigation bank for use by any individual or entity, including
6 19 any state agency or department, for mitigation purposes in
6 20 accordance with this subchapter.

6 21 3. By December 31 of each year, the director shall issue
6 22 an annual report to the general assembly on the total acreage
6 23 of isolated wetlands that were subject to filling during the
6 24 preceding year and the total acreage of isolated wetlands
6 25 restored, created, enhanced, or preserved through mitigation
6 26 that same year as a result of isolated wetland permits.

6 27 Sec. 6. NEW SECTION. 456B.26 PERMIT REVIEW.

6 28 1. The director shall do all of the following in relation
6 29 to isolated wetland permits:

6 30 a. Prescribe the form of the application for an isolated
6 31 wetland permit.

6 32 b. Provide an explanation to an isolated wetland permit
6 33 applicant for the proposed denial of the application.

6 34 c. Within fifteen business days after the receipt of an
6 35 application, the director shall notify the applicant if the



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7 1 application is complete. If the application is not complete,
7 2 the director shall include in the notice an itemized list of
7 3 the information or materials that are necessary to complete
7 4 the application. Time periods specified in this subchapter
7 5 shall not apply until the application is determined by the
7 6 director to be complete. If the applicant fails to provide
7 7 information or materials that are necessary to complete the
7 8 application within sixty days after the receipt of the
7 9 application, the director may return the incomplete
7 10 application to the applicant and take no further action on the
7 11 application.

7 12 d. Except as provided in subsection 2, the director shall
7 13 publish notice of the receipt of a complete application in a
7 14 newspaper of general circulation in the county housing the
7 15 isolated wetland proposed to be filled. The director shall
7 16 accept comments concerning the application and requests for a
7 17 public hearing concerning the application for not more than
7 18 thirty days following the publication of notice.

7 19 2. If a public hearing is requested during the thirty-day
7 20 comment period and the director determines there is
7 21 significant public interest, the department shall conduct a
7 22 public hearing concerning the application. Notice of the
7 23 public hearing shall be published not later than thirty days
7 24 prior to the date of the hearing in a newspaper of general
7 25 circulation in the county in which the proposed filling of the
7 26 isolated wetland that is the subject of the application is to
7 27 take place. If a public hearing is requested concerning an
7 28 application, the department shall accept comments concerning
7 29 the application until fifteen business days after the public
7 30 hearing. A public hearing conducted under this section shall
7 31 take place not later than ninety days after the director
7 32 notifies the applicant that the application is complete.

7 33 Sec. 7. NEW SECTION. 456B.27 MITIGATION.

7 34 1. The department may require mitigation for impacts to
7 35 isolated wetlands to replace or compensate for the long-term



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8 1 and short-term economic, environmental, and natural resource
8 2 benefits that would be lost by the proposed regulated
8 3 activity.
8 4 2. Mitigation for impacts to isolated wetlands shall be
8 5 conducted in accordance with the following ratios:
8 6 a. For isolated wetlands, other than forested isolated
8 7 wetlands, mitigation located at an approved wetland mitigation
8 8 bank shall be conducted at a rate of two times the size of the
8 9 isolated wetland area being impacted.
8 10 b. For forested isolated wetlands, mitigation located at
8 11 an approved wetland mitigation bank shall be conducted at a
8 12 rate of two and one-half times the size of the isolated
8 13 wetland area being impacted.
8 14 3. Mitigation that involves the enhancement or
8 15 preservation of existing isolated wetlands shall be calculated
8 16 and performed in accordance with existing state and federal
8 17 laws and regulations for wetlands.
8 18 4. An applicant shall demonstrate that the mitigation site
8 19 will be protected in perpetuity and that appropriate
8 20 practicable management measures are, or will be, in place to
8 21 restrict harmful activities that jeopardize the mitigation.
8 22 Sec. 8. NEW SECTION. 456B.28 EXEMPTIONS.
8 23 1. The requirement for an isolated wetlands permit does
8 24 not apply to a discharge that is the result of any of the
8 25 following activities:
8 26 a. Normal farming, silviculture, or ranching activities.
8 27 b. Maintenance, emergency repair, or reconstruction of
8 28 damaged parts of structures that are in use in the waters of
8 29 the state.
8 30 c. Construction or maintenance of farm ponds, stock ponds,
8 31 or irrigation ditches.
8 32 d. Maintenance of drainage ditches.
8 33 e. Construction or maintenance of farm roads, forest
8 34 roads, or temporary mining roads that is performed in
8 35 accordance with best management practices, as determined by
9 1 the department, to ensure all of the following:
9 2 (1) That the flow and circulation patterns and chemical
9 3 and biological characteristics of the affected wetland are not
9 4 impaired.
9 5 (2) That the reach of the affected wetland is not reduced.
9 6 (3) That any adverse effect on the aquatic environment of
9 7 the affected wetland is minimized to the degree required by
9 8 the department.
9 9 2. A discharge that would be exempt under subsection 1 is
9 10 subject to the permit requirement if the discharge is
9 11 incidental to any of the following activities:
9 12 a. An activity that has as its purpose bringing a wetland,
9 13 or part of a wetland, into a use for which it was not
9 14 previously subject.
9 15 b. An activity that may impair the flow or circulation of
9 16 any waters of the state.
9 17 c. An activity that may reduce the reach of any waters of
9 18 the state.
9 19 Sec. 9. NEW SECTION. 456B.29 FEES.
9 20 1. The department is authorized to adopt and enforce a fee
9 21 schedule for purposes of this subchapter. The amount of fees



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9 22 collected annually must not exceed the cost of administering
9 23 the provisions of this subchapter. The fees collected
9 24 pursuant to this subchapter are appropriated to the department
9 25 for purposes of administering this subchapter.

9 26 2. If a person conducts any activities for which an
9 27 isolated wetland permit is required under this subchapter
9 28 without first obtaining such a permit, in addition to
9 29 penalties outlined in section 456B.31, the person shall pay
9 30 twice the amount of the application and review fees that the
9 31 person otherwise would have been required to pay under this
9 32 subchapter.

9 33 Sec. 10. NEW SECTION. 456B.30 INSPECTION AUTHORITY.

9 34 For purposes of enforcing this subchapter, any employee or
9 35 other representative of the department, upon presenting the



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10 1 employee's or representative's credentials, may do any of the
10 2 following:

10 3 1. Enter and inspect any property on which is located a
10 4 wetland, or part of a wetland, that is subject to a permit
10 5 issued under this subchapter.

10 6 2. Enter and inspect any property to investigate a
10 7 discharge of dredged or fill material.

10 8 3. Gain access to and inspect any records that the
10 9 department requires the holder of the isolated wetland permit
10 10 to keep.

10 11 Sec. 11. NEW SECTION. 456B.31 JURISDICTION AND
10 12 PENALTIES.

10 13 1. A person shall not conduct a regulated activity within
10 14 an isolated wetland unless an isolated wetlands permit has
10 15 been issued to the person.

10 16 2. The district court of the county in which the affected
10 17 isolated wetlands area or any part thereof lies shall have
10 18 jurisdiction to restrain a violation of this subchapter upon
10 19 petition of the department, the attorney general, or any
10 20 person adversely affected. In the event the affected isolated
10 21 wetlands area lies in more than one county, jurisdiction shall
10 22 be in the district court of any county in which any part of
10 23 the area lies. In the same action the district court having
10 24 jurisdiction over the affected area may require such area to
10 25 be restored to its original condition. In the alternative,
10 26 the department may complete the restoration at the expense of
10 27 the person altering the area in which case an action for
10 28 recovery of the amount expended may be brought in any court
10 29 having jurisdiction to restrain a violation. A bond shall not
10 30 be required as a condition of the granting of a temporary
10 31 restraining order under this section, except that the court
10 32 may in its discretion require that a reasonable bond be posted
10 33 by any person requesting the court to restrain a violation of
10 34 this subchapter.

10 35 3. A person violating any provision of this subchapter



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11 1 involving more than five square yards of isolated wetlands is
11 2 guilty of a serious misdemeanor.

11 3 4. A person violating any provision of this subchapter
11 4 involving five square yards or less of isolated wetlands is
11 5 guilty of a simple misdemeanor.

11 6 5. A person who is determined to be in violation of any
11 7 provision of this subchapter by the department shall be liable
11 8 for, and may be assessed by the department for, a civil
11 9 penalty of not less than one hundred dollars nor more than one
11 10 thousand dollars per day of violation. Whenever the
11 11 department determines that any person is in violation of any
11 12 permit, regulation, standard, or requirement under this
11 13 subchapter, the department may issue an order requiring such
11 14 person to comply with such permit, regulation, standard, or
11 15 requirement, including an order requiring restoration when
11 16 deemed environmentally appropriate by the department. In
11 17 addition, the department may bring a civil enforcement action
11 18 under this section as well as seeking appropriate injunctive
11 19 relief.

11 20 Sec. 12. NEW SECTION. 456B.32 RULES.

11 21 The department shall adopt rules pursuant to chapter 17A
11 22 necessary to implement this subchapter.

11 23 Sec. 13. Section 427.1, subsection 23, Code 2007, is
11 24 amended to read as follows:

11 25 23. NATIVE PRAIRIE ~~AND WETLAND~~. Land designated as native
11 26 prairie ~~or land designated as a protected wetland~~ by the
11 27 department of natural resources ~~pursuant to section 456B.12~~.
11 28 Application for the exemption shall be made on forms provided
11 29 by the department of revenue. ~~Land designated as a protected~~
~~11 30 wetland shall be assessed at a value equal to the average~~
~~11 31 value of the land where the wetland is located and which is~~
~~11 32 owned by the person granted the exemption.~~ The application
11 33 forms shall be filed with the assessing authority not later
11 34 than the first of February of the year for which the exemption
11 35 is requested. The application must be accompanied by an



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12 1 affidavit signed by the applicant that if the exemption is
12 2 granted, the property will not be used for economic gain
12 3 during the assessment year in which the exemption is granted.
12 4 If the property is used for economic gain during the
12 5 assessment year in which the exemption is granted, the
12 6 property shall lose its tax exemption and shall be taxed at
12 7 the rate levied by the county for the fiscal year beginning in
12 8 that assessment year. The first annual application shall be
12 9 accompanied by a certificate from the department of natural
12 10 resources stating that the land is native prairie ~~or protected~~
~~12 11 wetland.~~ The department of natural resources shall issue a
12 12 certificate for the native prairie exemption if the department
12 13 finds that the land has never been cultivated, is unimproved,
12 14 is primarily a mixture of warm season grasses interspersed
12 15 with flowering plants, and meets the other criteria
12 16 established by the natural resource commission for native
12 17 prairie. ~~The department of natural resources shall issue a~~
~~12 18 certificate for the wetland exemption if the department finds~~
~~12 19 the land is a protected wetland, as defined under section~~
~~12 20 456B.1, or if the wetland was previously drained and cropped~~
~~12 21 but has been restored under a nonpermanent restoration~~
~~12 22 agreement with the department or other county, state, or~~
~~12 23 federal agency or private conservation group.~~ A taxpayer may
12 24 seek judicial review of a decision of the department according
12 25 to chapter 17A. The natural resource commission shall adopt
12 26 rules to implement this subsection.
12 27 The assessing authority each year may submit to the
12 28 department a claim for reimbursement of tax revenue lost from
12 29 the exemption. ~~Upon receipt of the claim, the department~~
~~12 30 shall reimburse the assessing authority an amount equal to the~~
~~12 31 lost tax revenue based on the value of the protected wetland~~
~~12 32 as assessed by the authority, unless the department reimburses~~
~~12 33 the authority based upon a departmental assessment of the~~
~~12 34 protected wetland.~~ The authority may contest the department's
12 35 assessment as provided in chapter 17A. ~~The department is not~~



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~~13 1 required to honor a claim submitted more than sixty days after
13 2 the authority has assessed land where the protected wetland is
13 3 located and which is owned by the person granted the
13 4 exemption.~~

13 5 Sec. 14. Section 456B.1, subsections 4 and 5, Code 2007,
13 6 are amended by striking the subsections.

13 7 Sec. 15. Section 459.102, subsection 21, Code 2007, is
13 8 amended to read as follows:

13 9 21. "Designated wetland" means land designated as a
13 10 protected wetland by the United States department of the
13 11 interior or the department of natural resources, ~~including but
13 12 not limited to a protected wetland as defined in section
13 13 456B.1, if the land is owned and managed by the federal
13 14 government or the department of natural resources.~~ However, a
13 15 designated wetland does not include land where an agricultural
13 16 drainage well has been plugged causing a temporary wetland or
13 17 land within a drainage district or levee district.

13 18 Sec. 16. Sections 456B.12, 456B.13, 456B.14, and 654A.16,
13 19 Code 2007, are repealed.

13 20 EXPLANATION

13 21 This bill repeals current statutes relating to the
13 22 inventory and protection of wetlands, makes conforming
13 23 amendments, and replaces them with a comprehensive wetland
13 24 program.

13 25 The bill requires that a proposed filling of an isolated
13 26 wetland requires an isolated wetland permit and subjects the
13 27 filling to a review by the department of natural resources.
13 28 The bill provides that a review shall require the submission
13 29 of a preactivity notice that includes an application. An
13 30 applicant shall conduct mitigation for the proposed filling of
13 31 an isolated wetland that is subject to departmental review.
13 32 The bill provides that a person that has submitted a
13 33 preactivity notice shall complete the filling within two
13 34 years.

13 35 The bill provides that the department shall issue or deny



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14 1 an isolated wetland permit not later than 180 days after the
14 2 receipt of an application for the permit. The bill prohibits
14 3 the department from issuing an isolated wetland permit unless
14 4 the applicant has demonstrated that the proposed filling will
14 5 not prevent or interfere with the attainment or maintenance of
14 6 applicable state water quality standards. The bill provides
14 7 that the department may deny an isolated wetland permit if the
14 8 department determines that the proposed filling of the
14 9 isolated wetland will result in an adverse short-term or long=
14 10 term impact on water quality in the state. The bill allows
14 11 the department to impose any practicable terms and conditions
14 12 on an isolated wetland permit to ensure adequate protection of
14 13 water quality in the state. The department may require the
14 14 applicant perform various environmental quality tests in order
14 15 to ensure adequate protection of water quality. The bill
14 16 provides a priority order of locations where mitigation for
14 17 the proposed filling of an isolated wetland that is subject to
14 18 review shall occur.

14 19 The bill requires the department to establish a list of
14 20 approved wetland mitigation banks. "Wetland mitigation bank"
14 21 means a site where wetlands have been restored, created,
14 22 enhanced, or, in exceptional circumstances, preserved
14 23 expressly for the purpose of providing mitigation for impacts
14 24 to wetlands and that has been approved in accordance with the
14 25 process established in the federal guidelines for the
14 26 establishment, use, and operation of mitigation banks.

14 27 The bill requires the director to prescribe the form of the
14 28 application for an isolated wetland permit and provide an
14 29 explanation to an isolated wetland permit applicant for the
14 30 proposed denial of the application. The bill requires the
14 31 director, within 15 business days after the receipt of an
14 32 application, to notify the applicant if the application is
14 33 complete. The bill provides procedures for public hearings
14 34 regarding an isolated wetland permit.

14 35 The bill allows the department to require mitigation for



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15 1 impacts to isolated wetlands to replace or compensate for the
15 2 long-term and short-term economic, environmental, and natural
15 3 resource benefits that would be lost by the proposed regulated
15 4 activity. The bill requires an applicant to demonstrate that
15 5 the mitigation site will be protected in perpetuity and that
15 6 appropriate practicable management measures are, or will be,
15 7 in place to restrict harmful activities that jeopardize the
15 8 mitigation.

15 9 The bill provides that the requirement for an isolated
15 10 wetlands permit does not apply to any discharge that is the
15 11 result of normal farming, silviculture, or ranching
15 12 activities; maintenance, emergency repair, or reconstruction
15 13 of damaged parts of structures that are in use in the waters
15 14 of the state; construction or maintenance of farm ponds, stock
15 15 ponds, or irrigation ditches; maintenance of drainage ditches;
15 16 or construction or maintenance of certain roads that is
15 17 performed in accordance with best management practices. The
15 18 bill provides that an exempt discharge is subject to the
15 19 permit requirement if the discharge is incidental to an
15 20 activity that has as its purpose bringing a wetland, or part
15 21 of a wetland, into a use for which it was not previously
15 22 subject, an activity that may impair the flow or circulation
15 23 of any waters of the state, or an activity that may reduce the
15 24 reach of any waters of the state.

15 25 The bill allows the department to adopt and enforce a fee
15 26 schedule. The bill provides that the amount of fees collected
15 27 annually must not exceed the cost of administering the
15 28 provisions of this bill and that the fees are appropriated for
15 29 purposes of administering the provisions. The bill provides
15 30 that if a person conducts any activities for which an isolated
15 31 wetland permit is required without first obtaining such a
15 32 permit, in addition to other penalties, the person shall pay
15 33 twice the amount of the application and review fees that the
15 34 person otherwise would have been required to pay.

15 35 The bill allows any employee or other representative of the



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16 1 department, upon presenting the employee's or representative's
16 2 credentials, to enter and inspect any property on which is
16 3 located a wetland, or part of a wetland, that is subject to a
16 4 permit, enter and inspect any property to investigate a
16 5 discharge of dredged or fill material, and gain access to and
16 6 inspect any records that the department requires the holder of
16 7 the isolated wetland permit to keep.

16 8 The bill prohibits a person from conducting a regulated
16 9 activity within an isolated wetland unless an isolated
16 10 wetlands permit has been issued. The bill allows a district
16 11 court having jurisdiction over an affected area to require
16 12 such area to be restored to its original condition. In the
16 13 alternative, the bill allows the department to complete the
16 14 restoration at the expense of the person altering the area in
16 15 which case an action for recovery of the amount expended may
16 16 be brought in any court having jurisdiction to restrain a
16 17 violation.

16 18 The bill provides that a person violating any provision of
16 19 this bill involving more than five square yards of isolated
16 20 wetlands is guilty of a serious misdemeanor. The bill
16 21 provides that a person violating any provision of this bill
16 22 involving five square yards or less of isolated wetlands is
16 23 guilty of a simple misdemeanor. The bill provides that a
16 24 person who is determined to be in violation of any provision
16 25 of this bill shall be assessed a civil penalty of not less
16 26 than \$100 nor more than \$1,000 per day of violation. The bill
16 27 provides that whenever the department determines that any
16 28 person is in violation of any permit, regulation, standard, or
16 29 requirement under the bill, the department may issue an order
16 30 requiring such person to comply with such permit, regulation,
16 31 standard, or requirement, including an order requiring
16 32 restoration when deemed environmentally appropriate by the
16 33 department. The bill provides that, in addition, the
16 34 department may bring a civil enforcement action as well as
16 35 seeking an appropriate injunctive relief.



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House File 74 continued

17 1 LSB 1680HH 82
17 2 tm:nh/cf/24



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House File 75

HOUSE FILE
BY JOCHUM

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

A BILL FOR

- 1 An Act relating to the sales and use taxes on the operation of
- 2 bingo games.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1671HH 82
- 5 mg/gg/14

PAG LIN



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House File 74 continued

1 1 Section 1. Section 423.2, subsection 4, unnumbered
1 2 paragraph 2, Code 2007, is amended to read as follows:
1 3 The tax imposed under this subsection covers the total
1 4 amount from the operation of games of skill, games of chance,
1 5 and raffles, and bingo games as defined in chapter 99B, and
1 6 musical devices, weighing machines, shooting galleries,
1 7 billiard and pool tables, bowling alleys, pinball machines,
1 8 slot-operated devices selling merchandise not subject to the
1 9 general sales taxes, the total amount less amounts awarded as
1 10 prizes from the operation of bingo games as defined in chapter
1 11 99B, and on the total amount from devices or systems where
1 12 prizes are in any manner awarded to patrons and upon the
1 13 receipts from fees charged for participation in any game or
1 14 other form of amusement, and generally upon the sales price
1 15 from any source of amusement operated for profit, not
1 16 specified in this section, and upon the sales price from which
1 17 tax is not collected for tickets or admission, but tax shall
1 18 not be imposed upon any activity exempt from sales tax under
1 19 section 423.3, subsection 78. Every person receiving any
1 20 sales price from the sources described in this section is
1 21 subject to all provisions of this subchapter relating to
1 22 retail sales tax and other provisions of this chapter as
1 23 applicable.
1 24 Sec. 2. Section 423B.5, unnumbered paragraph 1, Code 2007,
1 25 is amended to read as follows:
1 26 A local sales and services tax at the rate of not more than
1 27 one percent may be imposed by a county on the sales price
1 28 taxed by the state under chapter 423, subchapter II. A local
1 29 sales and services tax shall be imposed on the same basis as
1 30 the state sales and services tax or in the case of the use of
1 31 natural gas, natural gas service, electricity, or electric
1 32 service on the same basis as the state use tax and shall not
1 33 be imposed on the sale of any property or on any service not
1 34 taxed by the state, except the tax shall not be imposed on the
1 35 sales price from the sale of motor fuel or special fuel as



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House File 74 continued

2 1 defined in chapter 452A which is consumed for highway use or
2 2 in watercraft or aircraft if the fuel tax is paid on the
2 3 transaction and a refund has not or will not be allowed, on
2 4 the sales price from the sale of equipment by the state
2 5 department of transportation, on the total amount derived from
2 6 the operation of bingo games as defined in chapter 99B, or on
2 7 the sales price from the sale or use of natural gas, natural
2 8 gas service, electricity, or electric service in a city or
2 9 county where the sales price from the sale of natural gas or
2 10 electric energy is subject to a franchise fee or user fee
2 11 during the period the franchise or user fee is imposed. A
2 12 local sales and services tax is applicable to transactions
2 13 within those incorporated and unincorporated areas of the
2 14 county where it is imposed and shall be collected by all
2 15 persons required to collect state sales taxes. All cities
2 16 contiguous to each other shall be treated as part of one
2 17 incorporated area and the tax would be imposed in each of
2 18 those contiguous cities only if the majority of those voting
2 19 in the total area covered by the contiguous cities favors its
2 20 imposition. In the case of a local sales and services tax
2 21 submitted to the registered voters of two or more contiguous
2 22 counties as provided in section 423B.1, subsection 4,
2 23 paragraph "c", all cities contiguous to each other shall be
2 24 treated as part of one incorporated area, even if the
2 25 corporate boundaries of one or more of the cities include
2 26 areas of more than one county, and the tax shall be imposed in
2 27 each of those contiguous cities only if a majority of those
2 28 voting on the tax in the total area covered by the contiguous
2 29 cities favored its imposition.
2 30 Sec. 3. Section 423E.3, subsection 2, Code 2007, is
2 31 amended to read as follows:
2 32 2. The tax shall be imposed on the same basis as the state
2 33 sales and services tax or in the case of the use of natural
2 34 gas, natural gas service, electricity, or electric service on
2 35 the same basis as the state use tax and shall not be imposed



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3 1 on the sale of any property or on any service not taxed by the
3 2 state, except the tax shall not be imposed on the sales price
3 3 from the sale of motor fuel or special fuel as defined in
3 4 chapter 452A which is consumed for highway use or in
3 5 watercraft or aircraft if the fuel tax is paid on the
3 6 transaction and a refund has not or will not be allowed, on
3 7 the sales price from the sale of equipment by the state
3 8 department of transportation, on the total amount derived from
3 9 the operation of bingo games as defined in 99B, or on the
3 10 sales price from the sale or use of natural gas, natural gas
3 11 service, electricity, or electric service in a city or county
3 12 where the sales price from the sale of natural gas or electric
3 13 energy is subject to a franchise fee or user fee during the
3 14 period the franchise or user fee is imposed.

3 15 EXPLANATION

3 16 Under current law, the state sales and use tax is imposed
3 17 on the gross amount derived from the operation of bingo games.
3 18 This bill imposes the tax only on the gross amount less the
3 19 amounts awarded as prizes. In addition, the bill exempts the
3 20 total amount derived from bingo games from the local option
3 21 city and county sales tax and the local option county school
3 22 infrastructure sales tax.
3 23 LSB 1671HH 82
3 24 mg:rj/gg/14



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House File 76

HOUSE FILE
 BY HUNTER, WESSEL=KROESCHELL,
 LENSING, and D. TAYLOR

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

A BILL FOR

1 An Act relating to the sale or transfer of firearms between
 2 unlicensed persons at a gun show held on state property and
 3 providing penalties.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 1715HH 82
 6 rh/gg/14



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House File 76 continued

PAG LIN

1 1 Section 1. NEW SECTION. 724.31 TRANSFER OF FIREARMS
1 2 BETWEEN UNLICENSED PERSONS AT A GUN SHOW.
1 3 1. a. The sale, lease, or other transfer of firearms
1 4 between two or more unlicensed persons at a gun show held on
1 5 state property shall be conducted through a federally licensed
1 6 firearm dealer on the premises of the gun show and shall
1 7 comply with all applicable federal and state laws. The dealer
1 8 may charge a transfer fee not to exceed ten dollars.
1 9 b. This subsection does not apply to the sale, lease, or
1 10 other transfer of firearms where the firearm acquired is an
1 11 antique firearm, a collector's item, a device not designed or
1 12 redesigned for use as a firearm, a device designed solely for
1 13 use as a signaling, pyrotechnic, line-throwing, safety, or
1 14 similar device, or a firearm unserviceable by reason of being
1 15 unable to discharge a shot by means of an explosive and
1 16 incapable of being readily restored to a firing condition.
1 17 2. An unlicensed vendor at a gun show held on state
1 18 property who sells, leases, or transfers a firearm to an
1 19 unlicensed person, or an unlicensed person who acquires a
1 20 firearm from an unlicensed vendor without the sale, lease, or
1 21 transfer being conducted by a federally licensed firearm
1 22 dealer, commits an aggravated misdemeanor.
1 23 3. An unlicensed vendor at a gun show held on state
1 24 property who sells, leases, or transfers a firearm to an
1 25 unlicensed person who the transferor knows or has reason to
1 26 know is prohibited from possessing firearms under federal or
1 27 state law commits a class "D" felony.
1 28 4. As used in this section, the term "gun show" means the
1 29 entire premises of an event or function, including but not
1 30 limited to parking areas for the event or function that is
1 31 sponsored to foster, in whole or in part, the sale, lease, or
1 32 other transfer at which at least one of the following applies:
1 33 a. Twenty-five or more firearms are offered or exhibited
1 34 for sale or transfer.
1 35 b. Not less than three gun show vendors exhibit, sell,



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2 1 offer for sale, transfer, or exchange firearms.

2 2 EXPLANATION

2 3 This bill creates new Code section 724.31, relating to the
2 4 sale or transfer of firearms between unlicensed persons at a
2 5 gun show held on state property and providing penalties.

2 6 The bill provides that the sale, lease, or other transfer
2 7 of firearms between two or more persons at a gun show held on
2 8 state property shall be conducted through a federally licensed
2 9 firearm dealer on the premises of the gun show and shall
2 10 comply with all applicable federal and state laws. The bill
2 11 excludes transfers involving antique firearms, collector's
2 12 items, a device not designed or redesigned for use as a
2 13 firearm, a device designed solely for use as a signaling,
2 14 pyrotechnic, line-throwing, safety, or similar device, or a
2 15 firearm that is unserviceable. The bill provides that a
2 16 firearm dealer may charge a transfer fee not to exceed \$10.

2 17 The bill further provides that an unlicensed vendor at a
2 18 gun show held on state property who sells, leases, or
2 19 transfers a firearm to an unlicensed person, or an unlicensed
2 20 person who acquires a firearm from an unlicensed vendor
2 21 without going through a federally licensed firearm dealer,
2 22 commits an aggravated misdemeanor. An aggravated misdemeanor
2 23 is punishable by confinement for no more than two years and a
2 24 fine of at least \$625 but not more than \$6,250. An unlicensed
2 25 vendor at a gun show held on state property who sells, leases,
2 26 or transfers a firearm to an unlicensed person who the
2 27 transferor knows or has reason to know is prohibited from
2 28 possessing firearms commits a class "D" felony. A class "D"
2 29 felony is punishable by confinement for no more than five
2 30 years and a fine of at least \$750 but not more than \$7,500.

2 31 The bill further provides a definition of "gun show" to
2 32 mean the entire premises of an event or function, including
2 33 but not limited to parking areas for the event or function
2 34 that is sponsored to foster, in whole or in part, the sale,
2 35 lease, or other transfer at which either 25 or more firearms



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3 1 are offered or exhibited for sale or transfer, or not less
3 2 than three gun show vendors exhibit, sell, offer for sale,
3 3 transfer, or exchange firearms.
3 4 LSB 1715HH 82
3 5 rh:rj/gg/14



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House File 77

HOUSE FILE
 BY HUNTER, D. OLSON, SWAIM,
 and D. TAYLOR

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

A BILL FOR

1 An Act providing for reduced automobile insurance premiums for
 2 older adults who complete a certified driver safety education
 3 course.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 1758HH 82
 6 dea/gg/14



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House File 77 continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.179 DRIVER SAFETY EDUCATION
1 2 PROGRAM.

1 3 1. The department, in consultation with the department of
1 4 public safety, shall provide for the establishment of a
1 5 certified driver safety education course to be offered
1 6 throughout the state. The department shall establish by rule
1 7 requirements relating to curriculum, hours of instruction,
1 8 instructor qualifications, and any other matters deemed
1 9 appropriate by the department. The rules shall provide for
1 10 the administration of a written test and issuance of a
1 11 certificate to demonstrate a person's successful completion of
1 12 the course for purposes of qualifying for an automobile
1 13 insurance premium discount under section 516B.4.

1 14 2. The department may establish refresher courses based on
1 15 the curriculum offered in the driver safety education course.
1 16 A person who successfully completes a refresher course
1 17 approved by the department within three years of obtaining a
1 18 driver safety education certificate under subsection 1 shall
1 19 be issued a new certificate. For the purpose of maintaining
1 20 eligibility for an automobile insurance premium discount under
1 21 section 516B.4, a person may continue to be recertified by
1 22 successfully completing a refresher course at least every
1 23 three years.

1 24 Sec. 2. NEW SECTION. 516B.4 SENIOR DRIVER INSURANCE
1 25 PREMIUM DISCOUNT.

1 26 1. The commissioner shall require that beginning January
1 27 1, 2008, an insurance company transacting business in this
1 28 state shall provide a premium reduction of at least ten
1 29 percent for an automobile insurance policy, as defined in
1 30 section 515D.2, issued to a person fifty-five years of age or
1 31 older who has completed a certified driver safety education
1 32 course or refresher course within the last three years, as
1 33 evidenced by a certificate issued pursuant to section 321.179.
1 34 If the person entitled to the discounted rate is insured under
1 35 a policy covering more than one driver, the amount of the



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2 1 premium reduction may be prorated according to the number of
2 2 insureds covered under the policy who qualify for the lowered
2 3 premium.

2 4 2. The premium reduction required under subsection 1 may
2 5 be revoked for a person who is involved in a motor vehicle
2 6 accident during the period of the premium reduction if it is
2 7 found that the person committed a violation of chapter 321
2 8 that was a contributing factor in the accident.

2 9 EXPLANATION

2 10 This bill requires the department of transportation, in
2 11 consultation with the department of public safety, to
2 12 establish a certified driver safety education course to be
2 13 offered throughout the state. A person who successfully
2 14 completes the driver safety education course shall be issued a
2 15 certificate.

2 16 The commissioner of insurance shall require, beginning
2 17 January 1, 2008, that insurers transacting business in this
2 18 state must provide a 10 percent automobile insurance premium
2 19 reduction for persons 55 years of age or older who have
2 20 obtained a driver safety education course certificate within
2 21 the last three years. The premium reduction may be prorated,
2 22 based on the number of insureds under the policy who qualify
2 23 for the discount. In addition, the insurer may revoke the
2 24 discount for a person who is involved in a motor vehicle
2 25 accident if a violation by the person of the state's motor
2 26 vehicle laws is a contributing factor in the accident.

2 27 The bill authorizes the department of transportation to
2 28 develop refresher courses which may be taken by a person in
2 29 lieu of the full driver safety education course in order to
2 30 continue to qualify for the insurance premium reduction.

2 31 LSB 1758HH 82

2 32 dea:nh/gg/14



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House File 78

HOUSE FILE
BY HUNTER, SWAIM, and
D. TAYLOR

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring the establishment of emergency plans and
- 2 procedures for dialysis patients.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1760HH 82
- 5 nh/es/88



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PAG LIN

1 1 Section 1. NEW SECTION. 135.17 DIALYSIS PATIENTS ==
1 2 EMERGENCY PLANS AND PROCEDURES.

1 3 1. A dialysis agency shall establish written plans and
1 4 procedures designed to protect the safety of its patients
1 5 undergoing dialysis treatment and faced with a fire, natural
1 6 disaster, or medical emergency requiring immediate action.
1 7 For purposes of this section, "dialysis agency" means an
1 8 individual or entity performing dialysis treatment in a home,
1 9 medical, or any other setting.

1 10 2. The plans and procedures established shall be
1 11 individualized for each dialysis patient, and shall include,
1 12 at a minimum, an evacuation plan from the dialysis agency's
1 13 building or patient's home, emergency contact information for
1 14 each patient, and the procedure for disconnecting each
1 15 patient's dialysis equipment in the event of an emergency. A
1 16 dialysis agency shall familiarize its employees and patients
1 17 with the individualized plans and procedures.

1 18 3. In the event of a medical emergency, a dialysis agency
1 19 shall contact the physician specified in a patient's
1 20 individualized plans and procedures, and follow the
1 21 physician's instructions. If the patient's physician is not
1 22 available and no other physician is available who has been
1 23 designated as a substitute contact, the dialysis agency shall
1 24 contact the nearest hospital emergency room or clinic and seek
1 25 instruction regarding the patient's care.

1 26 4. The department shall develop sample forms for
1 27 utilization by a dialysis agency in establishing the plans and
1 28 procedures, and shall formulate a plan for distributing
1 29 information regarding the requirements of this section.

1 30 EXPLANATION

1 31 This bill provides for the establishment of emergency plans
1 32 and procedures for dialysis patients.

1 33 The bill provides that a dialysis agency shall establish
1 34 written plans and procedures designed to protect the safety of
1 35 patients undergoing dialysis treatment and faced with a fire,



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2 1 natural disaster, or medical emergency requiring immediate
2 2 action. The bill defines a dialysis agency to refer to an
2 3 individual or entity performing dialysis treatment in a home,
2 4 medical, or any other setting. The bill provides that the
2 5 plans and procedures established shall be individualized for
2 6 each dialysis patient, and shall include, at a minimum, an
2 7 evacuation plan, emergency contact information, and equipment
2 8 disconnection procedures.
2 9 The bill provides that in the event of a medical emergency,
2 10 a dialysis agency shall contact the physician specified in a
2 11 patient's individualized plans and procedures, an alternative
2 12 physician, or a nearby hospital emergency room or clinic for
2 13 instruction regarding the patient's care.
2 14 The bill provides that the department of public health
2 15 shall develop sample forms for utilization by a dialysis
2 16 agency in establishing the plans and procedures, and shall
2 17 formulate a plan for distributing information regarding these
2 18 requirements.
2 19 LSB 1760HH 82
2 20 nh:rj/es/88



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House File 79 - Introduced

HOUSE FILE
BY HUNTER, WESSEL=KROESCHELL,
WHITAKER, SWAIM, JOCHUM,
and D. TAYLOR

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

A BILL FOR

1 An Act relating to the disclosure of methamphetamine manufacture
2 in real estate installment contracts and real estate
3 transfers.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1771HH 82
6 av/cf/24



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House File 79 - Introduced continued

PAG LIN

1 1 Section 1. Section 558.70, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. k. Whether, to the seller's knowledge,
1 4 methamphetamine has or has not been manufactured on the
1 5 property.
1 6 Sec. 2. Section 558A.4, subsection 1, Code 2007, is
1 7 amended to read as follows:
1 8 1. The disclosure statement shall include information
1 9 relating to the condition and important characteristics of the
1 10 property and structures located on the property, including
1 11 significant defects in the structural integrity of the
1 12 structure, as provided in rules which shall be adopted by the
1 13 real estate commission pursuant to section 543B.9. The
1 14 disclosure statement shall include whether methamphetamine has
1 15 or has not been manufactured on the property. The disclosure
1 16 statement shall also include whether the property is located
1 17 in a real estate improvement district and the amount of any
1 18 special assessment against the property under chapter 358C.
1 19 The rules may require the disclosure to include information
1 20 relating to the property's zoning classification; the
1 21 condition of plumbing, heating, or electrical systems; or the
1 22 presence of pests.

1 23 EXPLANATION

1 24 This bill relates to the disclosure of whether
1 25 methamphetamine has or has not been manufactured on a property
1 26 prior to transfer of the property. The bill requires a
1 27 contract seller to disclose prior to the execution of a
1 28 residential real estate installment sales contract whether
1 29 methamphetamine has or has not been manufactured on the
1 30 property. A person injured by a failure to make the
1 31 disclosure may bring a civil action for equitable relief to
1 32 rescind the contract or for actual damages.
1 33 The bill requires a person who is transferring real
1 34 property to deliver a written disclosure statement to a person
1 35 interested in being transferred the real property that states



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House File 79 - Introduced continued

2 1 whether methamphetamine has or has not been manufactured on
2 2 the property. A person injured by a failure to make the
2 3 disclosure may bring a civil action to recover actual damages.
2 4 LSB 1771HH 82
2 5 av:nh/cf/24



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House File 80

HOUSE FILE

BY HUNTER, WHITAKER, D. OLSON,
SWAIM, and D. TAYLOR

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning veterans, including employment preference and
- 2 other benefits.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1755HH 82
- 5 ec/gg/14



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House File 80 continued

PAG LIN

1 1 Section 1. Section 8A.413, subsection 21, Code 2007, is
1 2 amended to read as follows:
1 3 21. For veterans preference through a provision that
1 4 veterans, as defined in section 35.1, shall ~~have five points~~
~~1 5 added to the grade or score attained in qualifying~~
~~1 6 examinations for appointment to jobs receive employment~~
1 7 preference as provided in chapter 35C.
1 8 ~~Veterans who have a service-connected disability or are~~
~~1 9 receiving compensation, disability benefits, or pension under~~
~~1 10 laws administered by the veterans administration shall have~~
~~1 11 ten points added to the grades attained in qualifying~~
~~1 12 examinations. A veteran who has been awarded the purple heart~~
~~1 13 for disabilities incurred in action shall be considered to~~
~~1 14 have a service-connected disability.~~
1 15 Sec. 2. Section 19B.2, Code 2007, is amended to read as
1 16 follows:
1 17 19B.2 EQUAL OPPORTUNITY IN STATE EMPLOYMENT == AFFIRMATIVE
1 18 ACTION.
1 19 It is the policy of this state to provide equal opportunity
1 20 in state employment to all persons. An individual shall not
1 21 be denied equal access to state employment opportunities
1 22 because of race, creed, color, religion, national origin, sex,
1 23 age, ~~or~~ physical or mental disability, veterans' service-
1 24 connected disability, or for opportunities forestalled due to
1 25 service in the armed forces. It also is the policy of this
1 26 state to apply affirmative action measures to correct
1 27 deficiencies in the state employment system where those
1 28 remedies are appropriate. This policy shall be construed
1 29 broadly to effectuate its purposes.
1 30 It is the policy of this state to permit special
1 31 appointments by bypassing the usual testing procedures for any
1 32 applicant for whom the division of vocational rehabilitation
1 33 services of the department of education or the department for
1 34 the blind, or if the individual is a veteran, the department
1 35 of veterans affairs and the United States department of



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House File 80 continued

2 1 veterans affairs vocational rehabilitation and employment
2 2 service, has certified the applicant's disability and
2 3 competence to perform the job. The department of
2 4 administrative services, in cooperation with the department
2 5 for the blind, and the division of vocational rehabilitation
2 6 services, the department of veterans affairs, and the United
2 7 States department of veterans affairs vocational
2 8 rehabilitation and employment service, shall develop
2 9 appropriate certification procedures. In addition, the
2 10 department of veterans affairs, in cooperation with the
2 11 departments of administrative services and workforce
2 12 development, shall institute a program coordinated with the
2 13 United States department of veterans affairs to transition
2 14 veterans with a service-connected disability into state
2 15 employment as provided by this section. This paragraph should
2 16 not be interpreted to bar promotional opportunities for
2 17 persons who are blind or persons with physical or mental
2 18 disabilities. If this paragraph conflicts with any other
2 19 provisions of this chapter, the provisions of this paragraph
2 20 govern.
2 21 Sec. 3. Section 19B.5, Code 2007, is amended by adding the
2 22 following new subsection:
2 23 NEW SUBSECTION. 4. Reports required to be submitted
2 24 pursuant to this section shall include information on
2 25 employment of women, minorities, persons with disabilities,
2 26 veterans, and veterans with service-connected disabilities.
2 27 Sec. 4. Section 19B.7, subsection 1, paragraph a,
2 28 subparagraph (2), Code 2007, is amended to read as follows:
2 29 (2) The utilization of minority, women's, veterans',
2 30 disabled persons', service-connected disabled veterans', and
2 31 disadvantaged business enterprises as sources of supplies,
2 32 equipment, construction, and services.
2 33 Sec. 5. Section 19B.7, subsection 1, paragraph a, Code
2 34 2007, is amended by adding the following new subparagraphs:
2 35 NEW SUBPARAGRAPH. (4) State contractors and



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3 1 subcontractors with contracts valued at one hundred thousand
3 2 dollars or more shall extend and enforce veterans employment
3 3 preference in the private sector in a manner that emulates the
3 4 preference provided in chapter 35C.

3 5 NEW SUBPARAGRAPH. (5) State contractors and
3 6 subcontractors with contracts valued at one hundred thousand
3 7 dollars or more shall implement affirmative action programs
3 8 for women, minorities, persons with disabilities, veterans,
3 9 and veterans with service-connected disabilities by July 1,
3 10 2008.

3 11 Sec. 6. Section 19B.7, subsection 1, paragraph d, Code
3 12 2007, is amended to read as follows:

3 13 d. Report results under the contract compliance policy to
3 14 the governor and the general assembly on an annual basis. The
3 15 report shall detail specific efforts to promote equal
3 16 opportunity through state contracts and services and efforts,
3 17 including the efforts of state contractors and subcontractors,
3 18 to promote, develop, and stimulate the utilization of
3 19 minority, women's, veterans', disabled persons',
3 20 service-connected disabled veterans', and disadvantaged
3 21 business enterprises in programs receiving or benefiting from
3 22 state financial assistance.

3 23 Sec. 7. Section 35.1, subsection 2, paragraph a,
3 24 unnumbered paragraph 1, Code 2007, is amended to read as
3 25 follows:

3 26 "Veteran" means a resident of this state who served in the
3 27 armed forces of the United States, active or reserves, in
3 28 active federal service, or served as a member of the Iowa
3 29 national guard, at any time during the following dates and who
3 30 was discharged under honorable conditions:

3 31 Sec. 8. Section 35.1, subsection 2, paragraph a, Code
3 32 2007, is amended by adding the following new subparagraphs:

3 33 NEW SUBPARAGRAPH. (14) Bosnia=Herzegovina Conflict from
3 34 April 6, 1992, through the date the president or the Congress
3 35 of the United States declares a cessation of hostilities. If



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4 1 the United States Congress enacts a date different from April
4 2 6, 1992, as the beginning of the Bosnia=Herzegovina Conflict
4 3 for purposes of determining whether a veteran is entitled to
4 4 receive veteran benefits for service in the Bosnia=Herzegovina
4 5 Conflict, that date shall be substituted for April 6, 1992.
4 6 NEW SUBPARAGRAPH. (15) Somalia Conflict from August 17,
4 7 1992, through March 3, 1995.
4 8 NEW SUBPARAGRAPH. (16) Afghanistan War from October 7,
4 9 2001, through the date the president or the Congress of the
4 10 United States declares a cessation of hostilities. If the
4 11 United States Congress enacts a date different from October 7,
4 12 2001, as the beginning of the Afghanistan War for purposes of
4 13 determining whether a veteran is entitled to receive veteran
4 14 benefits for service in the Afghanistan War, that date shall
4 15 be substituted for October 7, 2001.
4 16 NEW SUBPARAGRAPH. (17) Iraq War from March 20, 2003,
4 17 through the date the president or the Congress of the United
4 18 States declares a cessation of hostilities. If the United
4 19 States Congress enacts a date different from March 20, 2003,
4 20 as the beginning of the Iraq War for purposes of determining
4 21 whether a veteran is entitled to receive veteran benefits for
4 22 service in the Iraq War, that date shall be substituted for
4 23 March 20, 2003.
4 24 Sec. 9. Section 35.1, subsection 2, paragraph b, Code
4 25 2007, is amended by adding the following new subparagraph:
4 26 NEW SUBPARAGRAPH. (8) Any honorably discharged member of
4 27 the armed forces or national guard with a service-connected
4 28 disability rated at ten percent or more by the appropriate
4 29 component of the United States department of defense or the
4 30 United States department of veterans affairs or an honorably
4 31 discharged veteran who has been awarded the purple heart for
4 32 injuries incurred while participating in military operations,
4 33 regardless of service dates.
4 34 Sec. 10. NEW SECTION. 35C.1A POLICY.
4 35 It is the policy of this state to assist veterans of the



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5 1 armed forces in readjusting to civilian life since veterans,
5 2 by virtue of their military service, have made personal and
5 3 economic sacrifices and forestalled opportunities to pursue
5 4 education, training, and networking oriented toward civilian
5 5 careers. The state has a very special obligation to disabled
5 6 veterans. In addition, Iowa is continually concerned with
5 7 building an effective workforce and veterans constitute a
5 8 major recruiting source. It is, therefore, the policy of Iowa
5 9 to promote the maximum number of employment opportunities
5 10 within Iowa for veterans and disabled veterans.

5 11 Sec. 11. NEW SECTION. 35C.1B SCOPE.

5 12 Public employers of this state, including the state and its
5 13 political subdivisions, public utilities, state universities,
5 14 and public school districts, shall accord preferences in
5 15 employment appointment, unless provided otherwise by law, to
5 16 veterans as defined in section 35.1.

5 17 Sec. 12. NEW SECTION. 35C.2A APPOINTMENTS AND EMPLOYMENT
5 18 == APPLICATIONS.

5 19 1. Public employers shall give notice in all announcements
5 20 and advertisements of employment vacancies that preference in
5 21 appointment and employment will be given to eligible veterans
5 22 as defined in section 35.1. The application deadline to fill
5 23 a job must be posted at least ten days before the deadline in
5 24 the same manner as notices of meetings are posted under
5 25 section 21.4. The application form shall contain an inquiry
5 26 as to whether the applicant is claiming veterans preference
5 27 and the employer shall inform applicants of the requirements
5 28 for documentation. The applicant claiming preference shall
5 29 provide required documentation at the time of application.

5 30 2. If the hiring authority of a public employer cancels or
5 31 withdraws a job that has been publicly announced and then
5 32 reannounces the position within one year of the cancellation
5 33 or withdrawal date, all preference=eligible veterans that were
5 34 on the original list of eligible applicants shall be included
5 35 on the new list of eligible applicants. If the hiring



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6 1 authority does not fill a position and requests reannouncement
6 2 of the position because it claims no qualified candidates
6 3 applied under the first announcement, the department of
6 4 administrative services shall investigate this claim and
6 5 certify its accuracy before a reannouncement of the position
6 6 is authorized.

6 7 Sec. 13. NEW SECTION. 35C.2B PREFERENCE CATEGORIES.

6 8 1. PREFERENCE CATEGORY 1. The following persons shall be
6 9 included in preference category 1 for purposes of this
6 10 chapter:

6 11 a. A disabled veteran with a service-connected disability
6 12 rated ten percent or more by the United States department of
6 13 veterans affairs or an honorably discharged veteran who has
6 14 been awarded the purple heart for injuries incurred while
6 15 participating in military operations.

6 16 b. The spouse of a veteran with a service-connected
6 17 disability rated at one hundred percent by the United States
6 18 department of veterans affairs.

6 19 2. PREFERENCE CATEGORY 2. A veteran of any war or
6 20 conflict who has served on active duty for one day or more
6 21 during a wartime period or other period of time as described
6 22 in section 35.1, excluding active duty for training, and who
6 23 was discharged under honorable conditions from the armed
6 24 forces of the United States shall be included in preference
6 25 category 2 for purposes of this chapter.

6 26 Sec. 14. NEW SECTION. 35C.3A PREFERENCE REQUIRED AT EACH
6 27 STAGE.

6 28 1. An eligible veteran of good moral character is entitled
6 29 to preference at every stage of the hiring process subject to
6 30 the requirements of this chapter. A public employer's hiring
6 31 authority may elect to pass over an eligible veteran for a
6 32 lower ranked preference-eligible or nonpreference-eligible
6 33 individual; however, this can be done only when sound reasons
6 34 exist that relate directly to the eligible veteran's physical
6 35 and mental fitness or personal suitability for employment and



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7 1 pursuant to the requirements of subsection 2, if applicable.
7 2 If the public employer's hiring authority exercises this
7 3 option, it shall document its rationale in writing and retain
7 4 the records for two years. An eligible veteran is entitled to
7 5 copies of the written documentation upon written request to
7 6 the public employer's hiring authority or the department of
7 7 administrative services within ten days of the request date.
7 8 2. If a preference=eligible veteran is a thirty percent or
7 9 more service-connected disabled veteran, the public employer's
7 10 hiring authority shall notify the veteran, the director of the
7 11 department of administrative services, and the executive
7 12 director of the department of veterans affairs that the hiring
7 13 entity intends to pass over the veteran as described in
7 14 subsection 1. The veteran has fifteen days from the date of
7 15 notification to seek review of the proposed pass over by the
7 16 director of the department of administrative services and the
7 17 executive director of the department of veterans affairs. The
7 18 director of the department of administrative services and the
7 19 executive director of the department of veterans affairs shall
7 20 decide, based on the facts available, whether the pass over
7 21 shall be approved or denied and shall notify the parties of
7 22 the decision. The decision of the director and executive
7 23 director shall be considered final agency action pursuant to
7 24 chapter 17A.
7 25 Sec. 15. NEW SECTION. 35C.3B VETERANS PREFERENCE
7 26 DETERMINATIONS.
7 27 1. NUMERICALLY BASED PROCESS. Employment preference, when
7 28 numerically based examination results are used as the device
7 29 for employment selection, consists of, once the applicant
7 30 attains a passing score, adding ten points to the test score
7 31 of each preference category 1 eligible applicant and five
7 32 points to the test score of each preference category 2
7 33 eligible applicant. Once the preference=eligible applicants'
7 34 test scores have been augmented, the names of all the
7 35 preference=eligible and nonpreference=eligible applicants must



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8 1 be placed on a register or employment list, beginning with
8 2 disabled veterans with a service-connected disability rated at
8 3 thirty percent or more, followed by all other
8 4 preference-eligible applicants and nonpreference-eligible
8 5 applicants in rank order. Appointments to positions shall be
8 6 made from the appropriate register or employment list in
8 7 descending order from top to bottom by the applicants' ranked
8 8 position on the list.

8 9 2. NONNUMERICALLY BASED PROCESS. If a nonnumerically
8 10 based process is used in hiring, the job qualifications for
8 11 the position shall be included in the announcement of the
8 12 position and employment preference shall be given to
8 13 preference-eligible applicants in such a manner that
8 14 appointments emulate the appointments that would occur if a
8 15 numerically based process would have been used provided that
8 16 the preference-eligible applicant possesses the qualifications
8 17 necessary to carry out the duties of the job. For purposes of
8 18 this subsection, "qualifications" means the requisite
8 19 education, experience, special requirements, license, or
8 20 certification that gives the candidate the ability to perform
8 21 the duties of the job as specified by the public employer or
8 22 the department of administrative services.

8 23 Sec. 16. NEW SECTION. 35C.3C COMPLAINT == MANDATORY
8 24 MEDIATION.

8 25 If an applicant claiming veterans preference for a vacant
8 26 position is not selected and believes that this action may be
8 27 in violation of this chapter, the applicant shall file a
8 28 complaint with the department of veterans affairs. The
8 29 complaint must be filed within fifteen days of the applicant
8 30 receiving notice of the hiring decision made by the employing
8 31 entity or within three months of the date the application is
8 32 filed with the employer if no notice is given. The executive
8 33 director of the department of veterans affairs shall conduct
8 34 an initial investigation of the complaint and mediate the
8 35 dispute between the parties in an attempt to reach a mutually
9 1 agreeable solution. If a solution is not attainable or if
9 2 fifteen days has passed since the complaint was filed with the
9 3 department, the executive director of the department of
9 4 veterans affairs shall officially notify the parties in
9 5 writing and inform the applicant of the applicant's rights
9 6 under this chapter.

9 7 Sec. 17. Section 35C.5, Code 2007, is amended to read as
9 8 follows:

9 9 35C.5 APPEALS.

9 10 ~~In addition to the remedy provided in section 35C.4, an An~~
9 11 ~~appeal may be taken by any person belonging to any of the~~
9 12 ~~classes of persons to whom a preference is hereby granted~~
9 13 ~~pursuant to this chapter, from any refusal to allow said the~~
9 14 ~~preference, as provided in this chapter, to the district court~~
9 15 ~~of the county in which such refusal occurs. The appeal shall~~
9 16 ~~be made by serving upon the appointing officer, board, or~~
9 17 ~~person within twenty twenty-one days after the date of the~~
9 18 ~~refusal of said appointing officer, board, or persons to allow~~
9 19 ~~said preference the parties have been notified as provided in~~
9 20 ~~section 35C.3A, subsection 2, or section 35C.3C, a written~~
9 21 ~~notice of such appeal stating the grounds of the appeal+ and a~~



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9 22 demand in writing for a certified transcript of the record,
9 23 and all papers on file in the office affecting or relating to
9 24 ~~said~~ the appointment. Thereupon, ~~said~~ the appointing officer,
9 25 board, or person shall, within ten days, make, certify, and
9 26 deliver to the appellant such a transcript; and the appellant
9 27 shall, within five days thereafter, file the same and a copy
9 28 of the notice of appeal with the clerk of ~~said~~ court, and ~~said~~
9 29 the notice of appeal shall stand as the appellant's complaint
9 30 and thereupon said cause shall be accorded such preference in
9 31 its assignment for trial as to assure its prompt disposition.
9 32 The court shall receive and consider any pertinent evidence,
9 33 whether oral or documentary, concerning ~~said~~ the appointment
9 34 from which the appeal is taken, and if the court ~~shall find~~
9 35 finds that the ~~said~~ applicant is ~~qualified as defined in~~



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~~10 1 section 35C.1, to hold the position for which the applicant~~
~~10 2 has applied did not receive the employment preference as~~
10 3 provided in this chapter, said the court shall, by its
10 4 mandate, specifically direct the said appointing officer,
10 5 board, or persons as to their further action in the matter.
10 6 Remedies the court may order include but are not limited to
10 7 hire orders, hire orders with retroactive hire dates, punitive
10 8 monetary awards if circumstances warrant, and reasonable and
10 9 customary attorney fees if in the interest of justice. An
10 10 appeal may be taken from the judgment of the said district
10 11 court on any such appeal on the same terms as an appeal is
10 12 taken in civil actions. At their election parties entitled to
10 13 appeal under this section may, in the alternative, maintain an
10 14 action for judicial review in accordance with the terms of the
10 15 Iowa administrative procedure Act, chapter 17A, if that is
10 16 otherwise applicable to their case.

10 17 Sec. 18. Section 35C.5A, Code 2007, is amended to read as
10 18 follows:

10 19 35C.5A ARBITRATION.

10 20 In addition to the remedies otherwise provided in ~~sections~~
~~10 21 35C.4 and 35C.5~~ this chapter, a person belonging to a class of
10 22 persons qualifying for a preference may submit any refusal to
10 23 allow a preference, or any reduction of the person's salary as
10 24 described in section 35C.4, to arbitration within sixty days
10 25 after written notification of the refusal or reduction.
10 26 Within ten days after any submission, an arbitrator shall be
10 27 selected by a committee that includes one member chosen by the
10 28 person refused preference, one member chosen by the appointing
10 29 officer, board, or person, and one member who shall be a
10 30 disinterested party selected by the other two members of the
10 31 committee. A list of qualified arbitrators may be obtained
10 32 from the American arbitration association or other recognized
10 33 arbitration organization or association. The decision of the
10 34 arbitrator shall be final and binding on the parties.

10 35 Sec. 19. Section 400.10, Code 2007, is amended to read as



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11 1 follows:

11 2 400.10 PREFERENCES.

11 3 In all examinations and appointments under this chapter,
11 4 other than promotions and appointments of chief of the police
11 5 department and chief of the fire department, veterans as
11 6 defined in section 35.1, ~~who are citizens and residents of~~
~~11 7 this state, shall have five points added to the veteran's~~
~~11 8 grade or score attained in qualifying examinations for~~
~~11 9 appointment to positions and five additional points added to~~
~~11 10 the grade or score if the veteran has a service-connected~~
~~11 11 disability or is receiving compensation, disability benefits~~
~~11 12 or pension under laws administered by the veterans~~
~~11 13 administration shall receive preference as provided in chapter~~
11 14 35C. An honorably discharged veteran who has been awarded the
~~11 15 Purple Heart for disabilities incurred in action shall be~~
~~11 16 considered to have a service-connected disability. However,~~
~~11 17 the points shall be given only upon passing the exam and shall~~
~~11 18 not be the determining factor in passing.~~

11 19 Sec. 20. Sections 35C.1, 35C.2, and 35C.3, Code 2007, are
11 20 repealed.

11 21 EXPLANATION

11 22 This bill provides for veterans preference in public
11 23 contracts and employment.

11 24 Code section 8A.413, concerning rules on awarding a
11 25 veterans preference, is amended to provide that veterans shall
11 26 be awarded a preference pursuant to Code chapter 35C as
11 27 modified by this bill. Under current law, veterans get an
11 28 additional five points in any qualifying examination and
11 29 disabled veterans get 10 points.

11 30 Code chapter 19B, concerning equal opportunity and
11 31 affirmative action, is amended to include veterans and
11 32 disabled veterans as a protected class. The bill provides
11 33 that current affirmative action reports shall include
11 34 statistics concerning veterans and disabled veterans. In
11 35 addition, Code section 19B.7, concerning state contracts, is



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12 1 amended to provide that in awarding state contracts and
12 2 subcontracts valued at over \$100,000, affirmative action
12 3 programs and veterans preference in a manner similar to Code
12 4 chapter 35C shall be implemented.
12 5 Code section 35.1, concerning the definition of "veteran",
12 6 is amended by the bill. Under current law, a person can be
12 7 considered a veteran if the person's military service was
12 8 during several specified periods of time, usually coinciding
12 9 with a military war or conflict. In addition, current law
12 10 includes several categories of individuals as a veteran
12 11 regardless of when the service occurred. Both provisions are
12 12 amended in the bill. As to the time-specific definition, the
12 13 bill provides that a veteran can be a person who served in the
12 14 reserves or in active federal service or in the Iowa national
12 15 guard during the specified periods of time. The bill also
12 16 adds additional periods of time coinciding with the
12 17 Bosnia=Herzegovina Conflict, the Somalia Conflict, the
12 18 Afghanistan War, and the Iraq War. As to the portion of the
12 19 definition of veteran that is not dependent on service during
12 20 specified periods, the bill adds any honorably discharged
12 21 member of the military with a 10 percent service-connected
12 22 disability or who was awarded the purple heart.
12 23 Code chapter 35C, governing veterans preference in public
12 24 employment, is amended by the bill.
12 25 New Code section 35C.1A provides that the policy of the
12 26 state should be to assist veterans and maximize their
12 27 employment opportunities.
12 28 New Code section 35C.1B provides that the provisions of
12 29 Code chapter 35C concerning veterans preference apply to the
12 30 state, political subdivisions of the state, public utilities,
12 31 state universities, and public school districts.
12 32 New Code section 35C.2A requires job announcements by
12 33 public employers to provide notice that preference will be
12 34 given to eligible veterans. The new Code section further
12 35 provides that if the hiring authority cancels a job



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13 1 announcement and then announces the job again within one year,
13 2 all preference=eligible veterans who were on the list for the
13 3 initial announcement will be on the list for the new
13 4 announcement. If the basis for a proposed reannouncement of
13 5 the position was that no qualified persons applied the first
13 6 time, the department of administrative services shall
13 7 investigate the claim and certify its accuracy before the new
13 8 announcement can be made.

13 9 New Code section 35C.2B establishes two preference
13 10 categories. Preference category 1 includes disabled veterans
13 11 or the spouse of a 100 percent disabled veteran. Preference
13 12 category 2 includes any veteran of any war or conflict who
13 13 served on active duty during any period of time specified in
13 14 Code section 35.1 and who was honorably discharged.

13 15 New Code section 35C.3A provides that an eligible veteran
13 16 shall be entitled to preference in hiring by a public
13 17 employer. The new Code section provides that an eligible
13 18 veteran can be passed over in favor of a lower-ranked person
13 19 in hiring only when sound reasons exist that directly relate
13 20 to the veteran's fitness for employment. The reasons for
13 21 being passed over shall be documented and the veteran shall be
13 22 able to access the records. In addition, if the passed over
13 23 veteran has a 30 percent service-connected disability, the
13 24 veteran can seek review of the decision by the directors of
13 25 the department of administrative services and department of
13 26 veterans affairs. The directors' decision to approve or
13 27 disapprove the decision not to hire the veteran is final
13 28 agency action.

13 29 New Code section 35C.3B provides for the process of
13 30 providing preference for veterans in hiring. The Code section
13 31 provides that if a numerically based process is used in
13 32 hiring, veterans in preference category 1 shall have 10
13 33 additional points added to their test scores while veterans in
13 34 preference category 2 shall have five additional points. In
13 35 addition, disabled veterans with a 30 percent or more service=



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14 1 connected disability shall be placed first on the hiring list.
14 2 The new Code section provides that if a nonnumerically based
14 3 process of hiring is used, a process shall be implemented that
14 4 emulates that used under a numerically based process.

14 5 New Code section 35C.3C provides that an eligible veteran
14 6 claiming a preference and who believes their nonselection for
14 7 a position was in violation of Code chapter 35C may file a
14 8 complaint with the department of veterans affairs. The
14 9 director of the department shall investigate the complaint and
14 10 attempt to mediate the dispute. If mediation is unsuccessful
14 11 or if 15 days have passed since the veteran filed the
14 12 complaint, the veteran can seek redress under the provisions
14 13 of Code chapter 35C.

14 14 Code section 35C.5 is amended to provide that the time for
14 15 filing an appeal to district court claiming a violation of
14 16 Code chapter 35C is 21 days after the date the department
14 17 sends the notice as provided by Code section 35C.3A,
14 18 subsection 2, or section 35C.3C.

14 19 Code section 400.10, concerning preferences granted in
14 20 examinations and appointment under civil service, is amended
14 21 to provide that the preference granted veterans shall be as
14 22 provided in Code chapter 35C.

14 23 LSB 1755HH 82

14 24 ec:nh/gg/14



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House File 81

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 a probation period following certain periods
- 2 of driver's license suspension, revocation, or bar.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1568HH 82
- 5 dea/je/5



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PAG LIN

1 1 Section 1. Section 321.210C, Code 2007, is repealed.

1 2 EXPLANATION

1 3 This bill repeals Code section 321.210C, which requires a
1 4 probation period for certain drivers following a period of
1 5 license suspension, revocation, or bar. The Code section
1 6 requires that a person who loses the person's driver's license
1 7 or operating privileges as a result of a moving traffic
1 8 violation or an operating=while=intoxicated conviction must
1 9 complete a 12=month probation period beginning immediately
1 10 after the end of the period of suspension, revocation, or bar.
1 11 If the person is convicted of another moving traffic violation
1 12 which occurred during the probation period, the department may
1 13 suspend the person's license or operating privileges for an
1 14 additional period equal in duration to the original period of
1 15 suspension, revocation, or bar, or for one year, whichever is
1 16 less.

1 17 LSB 1568HH 82

1 18 dea:rj/je/5



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House File 82

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 grounds for disqualification from operating a
- 2 commercial motor vehicle.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1565HH 82
- 5 dea/je/5



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PAG LIN

1 1 Section 1. Section 321.208, subsection 2, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 A person is disqualified from operating a commercial motor
1 4 vehicle for one year upon a conviction or final administrative
1 5 decision that the person has committed any of the following
1 6 acts or offenses in any state or foreign jurisdiction while
1 7 operating a commercial motor vehicle ~~or while operating a~~
~~1 8 noncommercial motor vehicle and holding a commercial driver's~~
~~1 9 license:~~

1 10 Sec. 2. Section 321.208, subsection 2, paragraph a, Code
1 11 2007, is amended to read as follows:
1 12 a. Operating a commercial motor vehicle while under the
1 13 influence of an alcoholic beverage or other drug or controlled
1 14 substance or a combination of such substances.

1 15 EXPLANATION

1 16 This bill revises the grounds for disqualification from
1 17 operating a commercial motor vehicle. Current law provides
1 18 that certain offenses committed while operating either a
1 19 commercial motor vehicle or a noncommercial motor vehicle
1 20 while holding a commercial driver's license are grounds for
1 21 disqualification from operating a commercial motor vehicle for
1 22 one year. Those offenses include operating while intoxicated,
1 23 refusal to submit to chemical testing, leaving the scene of an
1 24 accident, and certain felonies or aggravated misdemeanors
1 25 involving the use of a motor vehicle. The bill provides that
1 26 the commission of such an offense while operating a
1 27 noncommercial motor vehicle does not disqualify a person from
1 28 operating a commercial motor vehicle.

1 29 LSB 1565HH 82

1 30 dea:nh/je/5



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House File 83

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 assessing a civil penalty when a person
- 2 receives a deferred judgment.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1564HH 82
- 5 jm/je/5



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PAG LIN

1 1 Section 1. Section 907.1, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. "Deferred judgment" means a sentencing option whereby
1 4 both the adjudication of guilt and the imposition of a
1 5 sentence are deferred by the court and whereby the court
1 6 assesses a civil penalty or in lieu of a civil penalty orders
1 7 community service as provided in section 907.14 upon the entry
1 8 of the deferred judgment. The court retains the power to
1 9 pronounce judgment and impose sentence subject to the
1 10 defendant's compliance with conditions set by the court as a
1 11 requirement of the deferred judgment.

1 12 Sec. 2. Section 907.3, subsection 1, unnumbered paragraph
1 13 1, Code 2007, is amended to read as follows:

1 14 With the consent of the defendant, the court may defer
1 15 judgment and may place the defendant on probation upon
1 16 conditions as it may require. However, a civil penalty or
1 17 community service shall be assessed as provided in section
1 18 907.14 upon the entry of a deferred judgment. Upon a showing
1 19 that the defendant is not cooperating with the program of
1 20 probation or is not responding to it, the court may withdraw
1 21 the defendant from the program, pronounce judgment, and impose
1 22 any sentence authorized by law. Before taking such action,
1 23 the court shall give the defendant an opportunity to be heard
1 24 on any matter relevant to the proposed action. Upon
1 25 fulfillment of the conditions of probation and the payment of
1 26 fees imposed and not waived by the judicial district
1 27 department of correctional services under section 905.14, the
1 28 defendant shall be discharged without entry of judgment. Upon
1 29 violation of the conditions of probation, the court may
1 30 proceed as provided in chapter 908.

1 31 Sec. 3. Section 907.14, subsection 1, Code 2007, is
1 32 amended to read as follows:

1 33 1. Upon the entry of a deferred judgment pursuant to
1 34 section 907.3, a defendant shall be assessed a civil penalty
1 35 of an amount not less than the amount of any criminal fine



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2 1 authorized by law for the offense under section 902.9 or
2 2 section 903.1. The court may require the defendant to perform
2 3 community service in lieu of assessing a civil penalty upon
2 4 the request of the defendant.

2 5 EXPLANATION

2 6 This bill relates to assessing a civil penalty when a
2 7 person receives a deferred judgment.

2 8 The bill provides that upon a person's request, the person
2 9 may perform community service in lieu of paying a civil
2 10 penalty when receiving a deferred judgment.

2 11 Current law provides that a person receiving a deferred
2 12 judgment be assessed a civil penalty of an amount not less
2 13 than the amount of any criminal fine authorized.

2 14 LSB 1564HH 82

2 15 jm:rj/je/5



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House File 84

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 the reconsideration of the sentence of a
- 2 person convicted of a felony.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1562HH 82
- 5 jm/gg/14



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House File 84 continued

PAG LIN

1 1 Section 1. Section 902.4, Code 2007, is amended to read as
1 2 follows:

1 3 902.4 RECONSIDERATION OF FELON'S SENTENCE.

1 4 For a period of one year from the date when a person
1 5 convicted of a felony, other than a class "A" felony or a
1 6 felony for which a minimum sentence of confinement is imposed,
1 7 begins to serve a sentence of confinement, the court, on its
1 8 own motion or on the recommendation of the director of the
1 9 Iowa department of corrections, may order the person to be
1 10 returned to the court, at which time the court may review its
1 11 previous action and reaffirm it or substitute for it any
1 12 sentence permitted by law. Copies of the order to return the
1 13 person to the court shall be provided to the attorney for the
1 14 state, the defendant's attorney, and the defendant. Upon a
1 15 request of the attorney for the state, the defendant's
1 16 attorney, or the defendant if the defendant has no attorney,
1 17 the court may, but is not required to, conduct a hearing on
1 18 the issue of reconsideration of sentence. The court shall ~~not~~
1 19 disclose its decision to reconsider or not to reconsider the
1 20 sentence of confinement ~~until the date reconsideration is~~
~~1 21 ordered when the court deems it appropriate to disclose its~~
1 22 decision or the date the one-year period expires, whichever
1 23 occurs first. The district court retains jurisdiction for the
1 24 limited purposes of conducting such review and entering an
1 25 appropriate order notwithstanding the timely filing of a
1 26 notice of appeal. The court's final order in the proceeding
1 27 shall be delivered to the defendant personally or by regular
1 28 mail. The court's decision to take the action or not to take
1 29 the action is not subject to appeal. However, for the
1 30 purposes of appeal, a judgment of conviction of a felony is a
1 31 final judgment when pronounced.

1 32 EXPLANATION

1 33 This bill relates to the reconsideration of the sentence of
1 34 a person convicted of a felony.

1 35 The bill provides that the court may disclose its decision



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House File 84 continued

2 1 to reconsider the sentence of confinement when the court deems
2 2 it appropriate to disclose its decision, or one year from the
2 3 date the sentence of the person begins, whichever occurs
2 4 first.
2 5 Current law provides that the court shall not disclose its
2 6 decision to reconsider the sentence until the date
2 7 reconsideration is ordered, or one year from the date the
2 8 sentence of the person begins, whichever occurs first.
2 9 LSB 1562HH 82
2 10 jm:rj/gg/14



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House File 85

HOUSE FILE
BY GASKILL

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

A BILL FOR

- 1 An Act relating to the filing of nomination petitions to fill a
- 2 vacancy on a city council.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1850HH 82
- 5 eg/gg/14



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House File 85 continued

PAG LIN

1 1 Section 1. Section 372.13, subsection 2, paragraph b,
1 2 unnumbered paragraph 1, Code 2007, is amended to read as
1 3 follows:
1 4 By a special election held to fill the office for the
1 5 remaining balance of the unexpired term. If the council opts
1 6 for a special election or a valid petition is filed under
1 7 paragraph "a", the special election may be held concurrently
1 8 with any pending election as provided by section 69.12 if by
1 9 so doing the vacancy will be filled not more than ninety days
1 10 after it occurs. Otherwise, a special election to fill the
1 11 office shall be called by the council at the earliest
1 12 practicable date. The council shall give the county
1 13 commissioner at least thirty-two days' written notice of the
1 14 date chosen for the special election. The council of a city
1 15 where a primary election may be required shall give the county
1 16 commissioner at least sixty days' written notice of the date
1 17 chosen for the special election. A special election held
1 18 under this subsection is subject to sections 376.4 through
1 19 376.11, but the dates for actions in relation to the special
1 20 election, ~~including dates for filing of nomination petitions,~~
1 21 shall be calculated with regard to the date for which the
1 22 special election is called. However, a nomination petition
1 23 must be filed not less than twenty-five days before the date
1 24 of the special election and, where a primary election may be
1 25 required, a nomination petition must be filed not less than
1 26 fifty-two days before the date of the special election.

1 27 EXPLANATION
1 28 This bill provides that a nomination petition for a special
1 29 election called to fill a vacancy on a city council must be
1 30 filed not less than 25 days before the date of the special
1 31 election. For those cities where a primary election may be
1 32 required, the nomination petition must be filed not less than
1 33 52 days before the date of the special election.
1 34 LSB 1850HH 82
1 35 eg:sc/gg/14



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House Study Bill 29

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing the number of nonresident wild turkey hunting
- 2 licenses and antlered or any sex deer hunting licenses that
- 3 may be issued by the natural resource commission.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1407DP 82
- 6 av/je/5



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House Study Bill 29 continued

PAG LIN

1 1 Section 1. Section 483A.7, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. A nonresident wild turkey hunter is required to have a
1 4 nonresident hunting license and a nonresident wild turkey
1 5 hunting license and pay the wildlife habitat fee. The
1 6 commission shall annually limit to ~~two~~ three thousand three
1 7 hundred licenses the number of nonresidents allowed to have
1 8 wild turkey hunting licenses. Of the ~~two~~ three thousand three
1 9 hundred licenses, one hundred fifty licenses shall be valid
1 10 for hunting with muzzle loading shotguns only. The commission
1 11 shall allocate the nonresident wild turkey hunting licenses
1 12 issued among the zones based on the populations of wild
1 13 turkey. A nonresident applying for a wild turkey hunting
1 14 license must exhibit proof of having successfully completed a
1 15 hunter safety and ethics education program as provided in
1 16 section 483A.27 or its equivalent as determined by the
1 17 department before the license is issued.

1 18 Sec. 2. Section 483A.8, subsection 3, paragraph c, Code
1 19 2007, is amended to read as follows:

1 20 c. The commission shall annually limit to ~~six~~ nine
1 21 thousand the number of nonresidents allowed to have antlered
1 22 or any sex deer hunting licenses. Of the ~~six~~ nine thousand
1 23 nonresident antlered or any sex deer licenses issued, not more
1 24 than thirty-five percent of the licenses shall be bow season
1 25 licenses. After the ~~six~~ nine thousand antlered or any sex
1 26 nonresident deer licenses have been issued, all additional
1 27 licenses shall be issued for antlerless deer only. The
1 28 commission shall annually determine the number of nonresident
1 29 antlerless deer only deer hunting licenses that will be
1 30 available for issuance.

1 31 EXPLANATION

1 32 This bill increases the number of nonresident wild turkey
1 33 hunting licenses and antlered or any sex deer hunting licenses
1 34 that may be issued annually by the natural resource
1 35 commission.



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2 1 The commission is authorized to issue 3,000 rather than
2 2 2,000 nonresident wild turkey hunting licenses. The
2 3 commission is also allowed to issue 9,000 rather than 6,000
2 4 nonresident antlered or any sex deer hunting licenses.
2 5 LSB 1407DP 82
2 6 av:nh/je/5



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House Study Bill 30

SENATE/HOUSE FILE
BY (PROPOSED TREASURER
OF STATE BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the disposition of unclaimed property
- 2 concerning minerals.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1216XD 82
- 5 av/sh/8



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PAG LIN

1 1 Section 1. Section 556.1, Code 2007, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 6A. "Mineral" means gas, oil, and coal;
1 4 other gaseous, liquid, and solid hydrocarbons; oil shale;
1 5 cement material; sand and gravel; road material; building
1 6 stone; chemical raw material; gemstone; fissionable and
1 7 nonfissionable ores; colloidal and other clays; steam and
1 8 other geothermal resources; and any other substance defined as
1 9 a mineral by a law of this state.

1 10 NEW SUBSECTION. 6B. "Mineral proceeds" means amounts
1 11 payable for the extraction, production, or sale of minerals,
1 12 or upon the abandonment of those payments, all payments that
1 13 become payable thereafter. "Mineral proceeds" includes
1 14 amounts payable as follows:

1 15 a. For the acquisition and retention of a mineral lease,
1 16 including bonuses, royalties, compensatory royalties, shut-in
1 17 royalties, minimum royalties, and delay rentals.

1 18 b. For the extraction, production, or sale of minerals,
1 19 including net revenue interests, royalties, overriding
1 20 royalties, extraction payments, and production payments.

1 21 c. Under an agreement or option, including a joint
1 22 operating agreement, unit agreement, pooling agreement, and
1 23 farm-out agreement, relating to the extraction, production, or
1 24 sale of minerals.

1 25 EXPLANATION

1 26 This bill adds definitions of "mineral" and "mineral
1 27 proceeds" to Code chapter 556 which is concerned with the
1 28 disposition of unclaimed property.

1 29 Currently, Code section 556.1 defines property which is
1 30 subject to the provisions of the chapter to include mineral
1 31 proceeds (Code section 556.1, subsection 10, paragraph "b"),
1 32 and amounts distributable from a mineral interest in land
1 33 (Code section 556.1, subsection 10, paragraph "h") although
1 34 these terms are not currently defined.

1 35 LSB 1216XD 82



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House Study Bill 30 continued

2 1 av:rj/sh/8



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House Study Bill 31

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House Study Bill 30 continued

1 1 HOUSE RESOLUTION NO. ____
1 2 BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION BY
1 3 CHAIRPERSON DAVITT)
1 4 A Resolution relating to the rules governing lobbyists
1 5 in the House of Representatives.
1 6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the
1 7 House Rules Governing Lobbyists shall be as follows:
1 8 HOUSE RULES GOVERNING LOBBYISTS
1 9 1. DEFINITIONS OF TERMS. As used in these rules,
1 10 "client", "gift", "immediate family member", "lobbyist", and
1 11 "person" have the meanings provided in section 68B.2 of the
1 12 Code, except that the terms "lobbyist" and "client" shall only
1 13 refer to persons who are lobbyists or clients of lobbyists of
1 14 the house of representatives. Except as otherwise provided,
1 15 "employee of the house" means a full-time permanent paid
1 16 employee of the house of representatives.
1 17 2. REGISTRATION REQUIRED.
1 18 a. All lobbyists shall, on or before the day their
1 19 lobbying activity begins, register in the manner provided
1 20 under section 68B.36 of the Code. Lobbyist registration forms
1 21 shall be available in the office of the chief clerk of the
1 22 house.
1 23 b. In addition each registered lobbyist shall file with
1 24 the chief clerk of the house a statement of the general
1 25 subjects of legislation in which the lobbyist is or may be
1 26 interested, the file number of the bills and resolutions and
1 27 the bill number of study bills, if known, which will be
1 28 lobbied, whether the lobbyist intends to lobby for or against
1 29 each bill, resolution, or study bill, if known, and on whose
1 30 behalf the lobbyist is lobbying the bill, resolution, or study
1 31 bill.
1 32 Any change in or addition to the information required by
1 33 this rule shall be registered with the chief clerk of the
1 34 house within ten days from the time the change or addition is
1 35 known to the lobbyist.



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2 1 3. CANCELLATION OF REGISTRATION. If a lobbyist's service
2 2 on behalf of a particular employer, client, or cause is
2 3 concluded after the lobbyist registers but before the first
2 4 day of the next legislative session, the lobbyist shall cancel
2 5 the registration in the manner required under section 68B.36
2 6 of the Code. Upon cancellation of registration, a person is
2 7 prohibited from engaging in any lobbying activity on behalf of
2 8 that particular employer, client, or cause until reregistering
2 9 and complying with the requirements of section 68B.36 of the
2 10 Code.

2 11 3A. AMENDMENT OF REGISTRATION. If a registered lobbyist
2 12 represents more than one employer, client, or cause and the
2 13 lobbyist's services are concluded on behalf of a particular
2 14 employer, client, or cause after the lobbyist registers but
2 15 before the first day of the next legislative session, the
2 16 lobbyist shall file an amendment to the lobbyist's
2 17 registration indicating which employer, client, or cause is no
2 18 longer represented by the lobbyist and the date upon which the
2 19 representation concluded.

2 20 If a lobbyist is retained by one or more additional
2 21 employers, clients, or causes after the lobbyist registers but
2 22 before the first day of the next legislative session, the
2 23 lobbyist shall file an amendment to the lobbyist's
2 24 registration indicating the employer, client, or cause to be
2 25 added and the date upon which the representation begins.

2 26 Amendments to a lobbyist's registration regarding changes
2 27 which occur during the time that the general assembly is in
2 28 session shall be filed within one working day after the date
2 29 upon which the change in the lobbyist's representation becomes
2 30 effective. Amendments regarding changes which occur when the
2 31 general assembly is not in session shall be filed within ten
2 32 days after the date upon which the change in the lobbyist's
2 33 representation becomes effective.

2 34 4. PUBLIC ACCESS. All information filed by a lobbyist or
2 35 a client of a lobbyist under chapter 68B of the Code is a



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3 1 public record and open to public inspection at any reasonable
3 2 time.

3 3 5. CHARGE ACCOUNTS. Lobbyists and the clients they
3 4 represent shall not allow members of the house to charge any
3 5 amounts or items to a charge account to be paid for by those
3 6 lobbyists or by the clients they represent.

3 7 6. ACCESS TO HOUSE FLOOR. Lobbyists shall only be
3 8 permitted on the floor of the house pursuant to rule 20 of the
3 9 rules of the house.

3 10 7. FEE OR BONUS PROHIBITED. A fee or bonus shall not be
3 11 paid to any lobbyist with reference to any legislative action
3 12 that is conditioned wholly or in part upon the results
3 13 attained by the lobbyist.

3 14 8. OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY. A
3 15 lobbyist, employer, or client of a lobbyist shall not offer
3 16 economic or investment opportunity or promise of employment to
3 17 any member of the house with intent to influence conduct in
3 18 the performance of official duties.

3 19 9. PERSONAL OR FINANCIAL OBLIGATION. A lobbyist shall not
3 20 do anything with the purpose of placing a member of the house
3 21 under personal or financial obligation to a lobbyist or a
3 22 lobbyist's principal or agent.

3 23 10. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT. A lobbyist
3 24 shall not cause or influence the introduction of any bill or
3 25 amendment for the purpose of being employed to secure its
3 26 passage or defeat.

3 27 11. CAMPAIGN SUPPORT. A lobbyist shall not influence or
3 28 attempt to influence a member's actions by the promise of
3 29 financial support for the member's candidacy or threat of
3 30 financial support for an opposition candidate. A lobbyist
3 31 shall not make a campaign contribution to a member or to a
3 32 member's candidate's committee during the time that the
3 33 general assembly is in session.

3 34 12. COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED. A
3 35 lobbyist shall not communicate with a member's employer for



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4 1 the purpose of influencing a vote of the member.
4 2 13. EXCESS PAYMENTS. A lobbyist shall not pay or agree to
4 3 pay to a member a price, fee, compensation, or other
4 4 consideration for the sale or lease of any property or the
4 5 furnishing of services which is substantially in excess of
4 6 that which other persons in the same business or profession
4 7 would charge in the ordinary course of business.

4 8 14. PROHIBITION AGAINST GIFTS. A lobbyist or client of a
4 9 lobbyist shall not, directly or indirectly, offer or make a
4 10 gift or series of gifts to any member or full-time permanent
4 11 employee of the house or the immediate family members of a
4 12 member or full-time permanent employee of the house except as
4 13 otherwise provided in section 68B.22 of the Code. A lobbyist
4 14 or client of a lobbyist who intends or plans to give a
4 15 nonmonetary item, other than food or drink consumed in the
4 16 presence of the donor, which does not have a readily
4 17 ascertainable value, to a member or full-time permanent
4 18 employee of the house, prior to giving or sending the item to
4 19 the member or employee, shall seek approval of the item from
4 20 the chief clerk of the house. A lobbyist or client of a
4 21 lobbyist who seeks approval of an item from the chief clerk
4 22 shall submit the item and evidence of the value of the item at
4 23 the time that approval is requested.

4 24 A lobbyist shall inform each of the lobbyist's clients of
4 25 the requirements of section 68B.22 of the Code and of the
4 26 responsibility to seek approval prior to giving or sending a
4 27 nonmonetary item which does not have a readily ascertainable
4 28 value to a member or a full-time permanent employee of the
4 29 house.

4 30 15. FINANCIAL TRANSACTIONS. A lobbyist shall not,
4 31 directly or indirectly, make a loan to a member of the house
4 32 or to an employee of the house.

4 33 A loan prohibited under this section does not include a
4 34 loan made in the ordinary course of business of a lobbyist if
4 35 the primary business of the lobbyist is something other than



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5 1 lobbying, if consideration of equal or greater value is
5 2 received by the lobbyist, and if fair market value is given or
5 3 received for the benefit conferred.
5 4 16. HONORARIA == RESTRICTIONS. A lobbyist or client of a
5 5 lobbyist shall not pay an honorarium to a member or employee
5 6 of the house for a speaking engagement or other formal public
5 7 appearance in the official capacity of the member or employee
5 8 except as otherwise provided in section 68B.23 of the Code.
5 9 17. COMPLAINTS. The procedures for complaints and
5 10 enforcement of these rules shall be the same as those provided
5 11 in the house code of ethics.
5 12 18. PROCEDURES AND FORMS. The chief clerk of the house,
5 13 subject to the approval of the house ethics committee, shall
5 14 prescribe procedures for compliance with these rules, and
5 15 shall prepare forms for the filing of complaints and make them
5 16 available to any person.
5 17 LSB 1958HC 82
5 18 tm:rj/gg/14



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House Study Bill 32

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to various conservation and recreation activities
- 2 under the purview of the department of natural resources,
- 3 modifying fees, and making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1397DP 82
- 6 av/je/5



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House Study Bill 32 continued

PAG LIN

1 1 Section 1. Section 462A.2, Code 2007, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 8A. "Cut=off switch" means an operable
1 4 factory=installed or dealer=installed emergency cut=off engine
1 5 stop switch that is installed on a personal watercraft.

1 6 NEW SUBSECTION. 8B. "Cut=off switch lanyard" means the
1 7 cord used to attach the person of the operator of a personal
1 8 watercraft to the cut=off switch.

1 9 Sec. 2. Section 462A.5, subsection 1, unnumbered
1 10 paragraphs 1 and 2, Code 2007, are amended to read as follows:

1 11 The owner of each vessel required to be numbered by this
1 12 state shall register it every three years with the commission
1 13 through the county recorder of the county in which the owner
1 14 resides, or, if the owner is a nonresident, the owner shall
1 15 register it in the county in which such vessel is principally
1 16 used. The commission shall develop and maintain an electronic
1 17 system for the registration of vessels pursuant to this
1 18 chapter. The commission shall have supervisory responsibility
~~1 19 over the registration of all vessels and shall provide each~~
~~1 20 county recorder with registration establish forms and~~
1 21 ~~certificates and shall allocate identification numbers to each~~
~~1 22 county procedures as necessary for the registration of all~~
1 23 ~~vessels.~~

1 24 The owner of the vessel shall file an application for
1 25 registration with the appropriate county recorder on forms
1 26 provided by the commission. The application shall be
1 27 completed and signed by the owner of the vessel and shall be
1 28 accompanied by the appropriate fee, and the writing fee
1 29 specified in section 462A.53. Upon applying for registration,
1 30 the owner shall display a bill of sale, receipt, or other
1 31 satisfactory proof of ownership as provided by the rules of
1 32 the commission to the county recorder. If the county recorder
1 33 is not satisfied as to the ownership of the vessel or that
1 34 there are no undisclosed security interests in the vessel, the
1 35 county recorder may register the vessel but shall, as a



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2 1 condition of issuing a registration certificate, require the
2 2 applicant to follow the procedure provided in section 462A.5A.
2 3 Upon receipt of the application in approved form accompanied
2 4 by the required fees, the county recorder shall enter it upon
2 5 the records of the recorder's office and shall issue to the
2 6 applicant a pocket-size registration certificate. The
2 7 certificate shall be executed in triplicate, one copy to be
2 8 delivered to the owner, one copy to the commission, and one
2 9 copy to be retained on file by the county recorder. The
2 10 registration certificate shall bear the number awarded to the
2 11 vessel, the passenger capacity of the vessel, and the name and
2 12 address of the owner. In the use of all vessels except
2 13 nonpowered sailboats, nonpowered canoes, and commercial
2 14 vessels, the registration certificate shall be carried either
2 15 in the vessel or on the person of the operator of the vessel
2 16 when in use. In the use of nonpowered sailboats, nonpowered
2 17 canoes, or commercial vessels, the registration certificate
2 18 may be kept on shore in accordance with rules adopted by the
2 19 commission. The operator shall exhibit the certificate to a
2 20 peace officer upon request or, when involved in a ~~collision or~~
2 21 ~~accident~~ an occurrence of any nature with another vessel or
2 22 other personal property, to the owner or operator of the other
2 23 vessel or personal property.

2 24 Sec. 3. Section 462A.5, subsection 3, unnumbered paragraph
2 25 2, Code 2007, is amended to read as follows:

2 26 Every registration certificate and number issued becomes
2 27 delinquent at midnight April 30 of the last calendar year of
2 28 the registration period unless terminated or discontinued in
2 29 accordance with this chapter. After January 1, 2007, an
2 30 unregistered vessel and a renewal of registration may be
2 31 registered for the three-year registration period beginning
2 32 May 1 of that year. When unregistered vessels are registered
2 33 after May 1 of the second year of the three-year registration
2 34 period, such unregistered vessels may be registered for the
2 35 remainder of the current registration period at ~~sixty-six~~



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~~3 1 percent two-thirds~~ of the appropriate registration fee. When
3 2 unregistered vessels are registered after May 1 of the third
3 3 year of the three-year registration period, such unregistered
3 4 vessels may be registered for the remainder of the current
3 5 registration period at ~~thirty-three percent~~ one-third of the
3 6 appropriate registration fee.

3 7 Sec. 4. Section 462A.7, Code 2007, is amended to read as
3 8 follows:

3 9 462A.7 ~~COLLISIONS, ACCIDENTS AND CASUALTIES OCCURRENCES~~
3 10 INVOLVING VESSELS.

3 11 1. The operator of a vessel involved in ~~a collision,~~
~~3 12 accident or other casualty~~ an occurrence that results in
3 13 personal property damage or the injury or death of a person,
3 14 shall, so far as possible without serious danger to the
3 15 operator's own vessel, crew, or passengers, render to other
3 16 persons affected by the ~~collision, accident or casualty,~~
3 17 occurrence such assistance as may be practicable and necessary
3 18 to save them from or minimize any danger caused by the
3 19 ~~collision, accident or other casualty~~ occurrence. The
3 20 operator shall also give the operator's name, address, and
3 21 identification of the operator's vessel in writing to any
3 22 person injured and to the owner of any property damaged in the
3 23 ~~collision, accident or other casualty~~ occurrence.

3 24 2. Whenever any vessel is involved in ~~a collision,~~
~~3 25 accident or casualty~~ an occurrence that results in personal
3 26 property damage or the injury or death of a person, except one
3 27 which results only in property damage not exceeding five
~~3 28 hundred two thousand dollars, a report thereof of the~~
3 29 occurrence shall be filed with the commission. The report
3 30 shall be filed by the operator of the vessel and shall contain
3 31 such information as the commission may, by rule, require. The
3 32 report shall be submitted ~~without delay~~ within forty-eight
3 33 hours of the occurrence in cases that result in death, or
3 34 disappearance cases, or personal injuries requiring medical
3 35 treatment by a licensed health care provider, and within five



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4 1 days of the occurrence in all other cases.

4 2 3. Every law enforcement officer who, in the regular
4 3 course of duty, investigates an occurrence which is required
4 4 to be reported by this section, shall, after completing such
4 5 investigation, forward a report of such occurrence to the
4 6 commission.

4 7 4. a. All reports shall be in writing. A vessel
4 8 operator's report shall be without prejudice to the person
4 9 making the report and shall be for the confidential use of the
4 10 department. However, upon request the department shall
4 11 disclose the identities of the persons on board the vessels
4 12 involved in the occurrence and their addresses. Upon request
4 13 of a person who made and filed a vessel operator's report, the
4 14 department shall provide a copy of the vessel operator's
4 15 report to the requester. A written vessel operator's report
4 16 filed with the department shall not be admissible in or used
4 17 in evidence in any civil or criminal action arising out of the
4 18 facts on which the report is based.

4 19 b. All written reports filed by law enforcement officers
4 20 as required under subsection 3 are confidential to the extent
4 21 provided in section 22.7, subsection 5, and section 622.11.
4 22 However, a completed law enforcement officer's report shall be
4 23 made available by the department or the investigating law
4 24 enforcement agency to any party to a ~~boating accident,~~
~~collision, or other casualty~~ an occurrence involving a vessel,
4 26 the party's insurance company or its agent, or the party's
4 27 attorney on written request and payment of a fee.

4 28 5. Failure of the operator of any vessel involved in a
~~collision, accident, or other casualty,~~ an occurrence to offer
4 30 assistance and aid to other persons affected by such
4 31 ~~collision, accident, or casualty~~ occurrence, as set forth in
4 32 this chapter, or to otherwise comply with the requirements of
4 33 subsection 1, is punishable as follows:

4 34 a. In the event of a ~~collision, accident, or other~~
~~casualty~~ an occurrence resulting only in property damage, the



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5 1 operator is guilty upon conviction of a simple misdemeanor.

5 2 b. In the event of ~~a collision, accident, or other~~

~~5 3 casualty~~ an occurrence resulting in an injury to a person, the

5 4 operator is guilty upon conviction of a serious misdemeanor.

5 5 c. In the event of ~~a collision, accident, or other~~

~~5 6 casualty~~ an occurrence resulting in a serious injury to a

5 7 person, the operator is guilty upon conviction of an

5 8 aggravated misdemeanor.

5 9 d. In the event of ~~a collision, accident, or other~~

~~5 10 casualty~~ an occurrence resulting in the death of a person, the

5 11 operator is guilty upon conviction of a class "D" felony.

5 12 Sec. 5. Section 462A.9, Code 2007, is amended by adding

5 13 the following new subsection:

5 14 NEW SUBSECTION. 12A. An owner of a personal watercraft

5 15 equipped with a cut-off switch shall maintain the cut-off

5 16 switch and the accompanying cut-off switch lanyard in an

5 17 operable, fully functional condition.

5 18 Sec. 6. Section 462A.12, Code 2007, is amended by adding

5 19 the following new subsection:

5 20 NEW SUBSECTION. 14. A person shall not operate a personal

5 21 watercraft that is equipped with a cut-off switch, at any

5 22 time, without first attaching the accompanying cut-off switch

5 23 lanyard to the operator's person while the engine is running

5 24 and the personal watercraft is in use.

5 25 Sec. 7. Section 462A.14A, subsection 3, paragraph b, Code

5 26 2007, is amended to read as follows:

5 27 b. The motorboat or sailboat has been involved in an

5 28 ~~accident or collision~~ occurrence resulting in personal injury

5 29 or death.

5 30 Sec. 8. Section 462A.23, subsection 2, paragraph c, Code

5 31 2007, is amended to read as follows:

5 32 c. Failure to stop and render aid as required by this

5 33 chapter when ~~a collision, accident or other casualty~~ an

~~5 34 occurrence involving a vessel~~ results in the death or personal

5 35 injury of another.



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6 1 Sec. 9. Section 462A.43, Code 2007, is amended to read as
6 2 follows:

6 3 462A.43 TRANSFER OF OWNERSHIP.

6 4 Upon the transfer of ownership of any vessel, the owner,
6 5 except as otherwise provided by this chapter, shall complete
6 6 the form on the back of the registration certificate and shall
6 7 deliver it to the purchaser or transferee at the time of
6 8 delivering the vessel. ~~All registrations must be valid for the~~
~~6 9 current registration period prior to the transfer of any~~
~~6 10 registration, including assignment to a dealer~~ If a vessel has
6 11 an expired registration at the time of transfer, the
6 12 transferee shall pay all applicable fees for the current
6 13 registration period, the appropriate writing fee, and a
6 14 penalty of five dollars, and a transfer of number shall be
6 15 awarded in the same manner as provided for in an original
6 16 registration.

6 17 Sec. 10. Section 481A.55, subsection 1, Code 2007, is
6 18 amended to read as follows:

6 19 1. Except as otherwise provided, a person shall not buy or
6 20 sell, dead or alive, a bird or animal or any part of one which
6 21 is protected by this chapter, but this section does not apply
6 22 to fur-bearing animals, bones of wild turkeys that were
6 23 legally taken, and the skins, plumage, and antlers of legally
6 24 taken game. This section does not prohibit the purchase of
6 25 jackrabbits from sources outside this state. A person shall
6 26 not purchase, sell, barter, or offer to purchase, sell, or
6 27 barter for millinery or ornamental use the feathers of
6 28 migratory game birds; and a person shall not purchase, sell,
6 29 barter, or offer to purchase, sell, or barter mounted
6 30 specimens of migratory game birds.

6 31 Sec. 11. Section 481A.123, Code 2007, is amended by adding
6 32 the following new subsection:

6 33 NEW SUBSECTION. 5. This section does not apply to the
6 34 discharge of a firearm on a farm unit by the owner or tenant
6 35 of the farm unit or by a family member of the owner or tenant



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7 1 of the farm unit.

7 2 As used in this subsection, "family member", "farm unit",
7 3 "owner", and "tenant" mean the same as defined in section
7 4 483A.24, subsection 2.

7 5 Sec. 12. Section 481A.130, subsection 1, paragraph g, Code
7 6 2007, is amended to read as follows:

7 7 g. For each antlered deer, reimbursement shall be based on
7 8 the ~~point~~ score of the antlered deer as measured by the Boone
7 9 and Crockett club's ~~net~~ scoring system for whitetail deer as
7 10 follows:

7 11 (1) 150 ~~points~~ gross inches or less: A minimum of two
7 12 thousand dollars and not more than five thousand dollars, and
7 13 eighty hours of community service or, in lieu of the community
7 14 service, a minimum of four thousand dollars and not more than
7 15 ten thousand dollars, in an amount that is deemed reasonable
7 16 by the court.

7 17 (2) More than 150 ~~points~~ gross inches: A minimum of five
7 18 thousand dollars and not more than ten thousand dollars, and
7 19 eighty hours of community service or, in lieu of the community
7 20 service, a minimum of ten thousand dollars and not more than
7 21 twenty thousand dollars, in an amount that is deemed
7 22 reasonable by the court.

7 23 Sec. 13. Section 481A.133, Code 2007, is amended to read
7 24 as follows:

7 25 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
7 26 PERMITS.

7 27 A person who is assessed damages pursuant to section
7 28 481A.130 shall immediately surrender all licenses,
7 29 certificates, and permits to hunt, fish, or trap in the state
7 30 to the department. The licenses, permits, and certificates,
7 31 and the privileges associated with them shall remain suspended
7 32 until the assessed damages and any accrued interest are paid
7 33 ~~or a payment schedule is established by the court~~ in full.
7 34 Upon payment of the assessed damages and any accrued interest,
7 35 the suspension shall be lifted. ~~If a payment schedule is~~



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~~8 1 established, the suspension shall be lifted and remain so~~
~~8 2 unless the person fails to make a payment pursuant to that~~
~~8 3 schedule. Failure to make a payment shall cause the~~
~~8 4 suspension to be renewed~~ Interest shall begin to accrue as of
~~8 5 the date of judgment at a rate of ten percent per year.~~

8 6 Sec. 14. Section 483A.27, subsections 1 and 7, Code 2007,
 8 7 are amended to read as follows:

8 8 1. A person born after January 1, ~~1967~~ 1972, shall not
 8 9 obtain a hunting license unless the person has satisfactorily
 8 10 completed a hunter safety and ethics education course approved
 8 11 by the commission. A person who is eleven years of age or
 8 12 more may enroll in an approved hunter safety and ethics
 8 13 education course, but a person who is eleven years of age and
 8 14 who has successfully completed the course shall be issued a
 8 15 certificate of completion which becomes valid on the person's
 8 16 twelfth birthday. A certificate of completion from an
 8 17 approved hunter safety and ethics education course issued in
 8 18 this state since 1960, by another state, or by a foreign
 8 19 nation, is valid for the requirements of this section.

8 20 7. A hunting license obtained under this section by a
 8 21 person who gave false information or presented a fraudulent
 8 22 certificate of completion shall be revoked and a new hunting
 8 23 license shall not be issued for at least two years from the
 8 24 date of conviction. A hunting license obtained by a person
 8 25 who was born after January 1, ~~1967~~ 1972, but has not
 8 26 satisfactorily completed the hunter safety and ethics
 8 27 education course or has not met the requirements established
 8 28 by the commission, shall be revoked.

8 29 Sec. 15. Section 805.8B, subsection 1, paragraph b, Code
 8 30 2007, is amended to read as follows:

8 31 b. For violations of registration, identification, and
 8 32 record provisions under sections 462A.4 and 462A.10, and for
 8 33 unused or improper or defective equipment under section
 8 34 462A.9, subsections 2, 6, 7, 8, 12A, and 13, and section
 8 35 462A.11, and for operation violations under sections 462A.26,
 9 1 462A.31, and 462A.33, the scheduled fine is twenty dollars.

EXPLANATION

9 3 This bill contains provisions relating to the regulation of
 9 4 various conservation and recreation activities under the
 9 5 purview of the department of natural resources.

9 6 Code section 462A.2 is amended to define a "cut-off switch"
 9 7 as an operable factory-installed or dealer-installed emergency
 9 8 cut-off engine stop switch that is installed on a personal
 9 9 watercraft, and to define a "cut-off switch lanyard" as the
 9 10 cord used to attach the person of the operator of a personal
 9 11 watercraft to the cut-off switch.

9 12 Code section 462A.5, subsection 1, is amended to provide
 9 13 that the fee for a vessel registration which is renewed after
 9 14 May 1 of the second year of the three-year registration period
 9 15 is two-thirds instead of 66 percent of the appropriate
 9 16 registration fee. The fee for a vessel registration which is
 9 17 renewed after May 1 of the third year of the registration
 9 18 period is one-third instead of 33 percent of the appropriate
 9 19 registration fee.

9 20 Code sections 462A.5, 462A.7, 462A.14A, and 462A.23 are
 9 21 amended to change language referring to collisions, accidents,



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9 22 and casualties involving vessels to refer to occurrences
9 23 involving vessels.
9 24 Code section 462A.7 is also amended to provide that the
9 25 owner of a vessel shall give assistance, so far as possible,
9 26 and provide the vessel operator's name, address, and vessel
9 27 identification to any person who is injured or whose property
9 28 is damaged when the operator's vessel is involved in an
9 29 occurrence that results in personal property damage or that
9 30 results in the injury or death of a person. Code section
9 31 462A.7 is also amended to provide that when any vessel is
9 32 involved in such an occurrence, except one which results only
9 33 in property damage not exceeding \$2,000, a report must be
9 34 filed with the natural resource commission by the operator of
9 35 the vessel involved. Previously, a report had to be filed



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10 1 when the property damage exceeded \$500. The report must be
10 2 filed within 48 hours of the occurrence when a person dies,
10 3 disappears, or suffers an injury requiring medical treatment
10 4 by a licensed health care provider. In all other cases, the
10 5 report must be filed within five days of the occurrence.
10 6 Code section 462A.9 is amended to provide that the owner of
10 7 a personal watercraft equipped with a cut-off switch must
10 8 maintain the cut-off switch and the accompanying cut-off
10 9 switch lanyard in an operable, fully functional condition. A
10 10 violation of this new provision is punishable by a scheduled
10 11 fine of \$20 under Code section 805.8B.
10 12 Code section 462A.12 is amended to prohibit a person from
10 13 operating a personal watercraft that is equipped with a cut=
10 14 off switch, at any time, without first attaching the
10 15 accompanying cut-off switch lanyard to the operator's person
10 16 while the engine is running and the personal watercraft is in
10 17 use. A violation of this provision is punishable by a
10 18 scheduled fine of \$25.
10 19 Code section 462A.43 is amended to provide that if a vessel
10 20 has an expired registration at the time of a transfer of
10 21 ownership of the vessel, the transferee is required to pay all
10 22 applicable fees for the current registration period, the
10 23 appropriate writing fee, and a \$5 penalty, after which a
10 24 transfer of number for the vessel will be awarded in the same
10 25 manner as an original registration.
10 26 Code section 481A.55, subsection 1, is amended to allow a
10 27 person to buy or sell the bones of wild turkeys that were
10 28 legally taken. A violation of this provision is punishable by
10 29 a scheduled fine of \$50.
10 30 Code section 481A.123 is amended to provide that the
10 31 prohibitions of the section against discharging a firearm
10 32 within 200 yards of a building inhabited by people or
10 33 livestock, or a feedlot, do not apply to the discharge of a
10 34 firearm on a farm unit by owners, tenants, or their family
10 35 members who reside on the farm unit. The terms "family



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11 1 member", "farm unit", "owner", and "tenant" are defined to
11 2 mean the same as in Code section 483A.24, which deals with the
11 3 rights of resident landowners, tenants, and their families who
11 4 reside with them, to hunt on farm units which are in tracts of
11 5 two or more contiguous acres, are operated as a unit for
11 6 agricultural purposes, and are under the lawful control of the
11 7 owner or the tenant.

11 8 Code section 481A.130 is amended to provide that a person
11 9 who unlawfully takes an antlered deer shall be assessed
11 10 damages for reimbursement to the state based on the score of
11 11 the deer as measured by the Boone and Crockett Club's scoring
11 12 system, instead of net scoring system, for whitetail deer,
11 13 based on the gross inches score, not the point score of the
11 14 deer.

11 15 Code section 481A.133 is amended to provide that when a
11 16 person is assessed damages for unlawfully selling, taking,
11 17 catching, killing, injuring, destroying, or possessing an
11 18 animal, the person's licenses, certificates, and permits are
11 19 suspended until payment in full of the assessed damages and
11 20 accrued interest. The bill removes the option that allowed a
11 21 person to pay damages pursuant to a payment schedule. The
11 22 bill also specifies that interest begins to accrue as of the
11 23 date of judgment at a rate of 10 percent per year.

11 24 Code section 483A.27 is amended to provide that a person
11 25 born after January 1, 1972, instead of January 1, 1967, must
11 26 complete a hunter safety and ethics education course before
11 27 obtaining a hunting license and that a hunting license
11 28 obtained by a such a person who has not completed the required
11 29 course shall be revoked. A violation of these provisions is
11 30 punishable by a scheduled fine of \$20.

11 31 LSB 1397DP 82

11 32 av:nh/je/5.1



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House Study Bill 33

SENATE/HOUSE FILE
 BY (PROPOSED DEPARTMENT OF
 EDUCATION BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act concerning earning restrictions, establishing a bona fide
 2 retirement for department of education employees under the
 3 Iowa public employees' retirement system, and providing
 4 retroactive applicability, an effective date, and an
 5 implementation provision.
 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 7 TLSB 1229XD 82
 8 ec/je/5



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1 1 Section 1. Section 97B.48A, subsection 1, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 If a member who has not reached the member's sixty=fifth
1 4 birthday and who has a bona fide retirement under this chapter
1 5 is in regular full=time employment during a calendar year, the
1 6 member's retirement allowance shall be reduced by fifty cents
1 7 for each dollar the member earns over the limit provided in
1 8 this subsection. However, employment is not full=time
1 9 employment until the member receives remuneration in an amount
1 10 in excess of thirty thousand dollars for a calendar year, or
1 11 an amount equal to the amount of remuneration permitted for a
1 12 calendar year for persons under sixty=five years of age before
1 13 a reduction in federal social security retirement benefits is
1 14 required, whichever is higher. Effective the first of the
1 15 month in which a member attains the age of sixty=five years or
1 16 is employed by the department of education, a retired member
1 17 may receive a retirement allowance without a reduction after
1 18 return to covered employment regardless of the amount of
1 19 remuneration received.

1 20 Sec. 2. Section 97B.52A, subsection 1, paragraph c, Code
1 21 2007, is amended to read as follows:

1 22 c. (1) For a member whose first month of entitlement is
1 23 July 2000 or later, the member does not return to any
1 24 employment with a covered employer until the member has
1 25 qualified for at least one calendar month of retirement
1 26 benefits, and the member does not return to covered employment
1 27 until the member has qualified for no fewer than four calendar
1 28 months of retirement benefits.

1 29 (2) For purposes of determining a bona fide retirement
1 30 under this paragraph "c", ~~effective~~ the following provisions
1 31 apply:

1 32 (a) Effective July 1, 2000, any employment with a covered
1 33 employer does not include employment as an elective official
1 34 or member of the general assembly if the member is not covered
1 35 under this chapter for that employment.



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2 1 (b) For ~~purposes of determining a bona fide retirement~~
~~2 2 under this paragraph and for a member whose first month of~~
2 3 entitlement is July 2004 or later, but before July 2010,
2 4 covered employment does not include employment as a licensed
2 5 health care professional by a public hospital as defined in
2 6 section 249J.3, with the exception of public hospitals
2 7 governed pursuant to chapter 226.

2 8 (c) For a member whose first month of entitlement is
2 9 January 2007 or later, covered employment does not include
2 10 employment as an employee of the department of education.

2 11 Sec. 3. IMPLEMENTATION PROVISION. Notwithstanding any
2 12 provision of section 97B.65 to the contrary, the provisions of
2 13 this Act shall be enacted and implemented by the Iowa public
2 14 employees' retirement system upon the effective date of this
2 15 Act.

2 16 Sec. 4. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
2 17 Act, being deemed of immediate importance, takes effect upon
2 18 enactment and is retroactively applicable to January 1, 2007,
2 19 and is applicable on and after that date.

2 20 EXPLANATION

2 21 This bill concerns members of the Iowa public employees'
2 22 retirement system (IPERS) who retire and return to employment
2 23 under IPERS as an employee of the department of education.

2 24 The bill eliminates the cap on the amount that an IPERS
2 25 member who has a bona fide retirement and is under 65 years of
2 26 age can earn in public employment as an employee of the
2 27 department of education. Current law provides that an IPERS
2 28 member receiving a retirement allowance who is under age 65
2 29 will have their IPERS retirement allowance reduced by 50 cents
2 30 for each dollar the member earns in a calendar year in
2 31 employment covered by IPERS over \$30,000.

2 32 The bill also provides that a member of IPERS can retire
2 33 and be reemployed as an employee of the department of
2 34 education after having qualified for one calendar month of
2 35 retirement benefits. Under current law, a member of IPERS



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3 1 cannot return to any full-time position covered by IPERS for
3 2 four months following retirement.
3 3 The bill takes effect upon enactment and is retroactively
3 4 applicable to January 1, 2007, and shall be enacted and
3 5 implemented upon the effective date of the bill.
3 6 LSB 1229XD 82
3 7 ec:nh/je/5



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House Study Bill 34

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act allowing elections in certain cities to be conducted by
- 2 mail ballots and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1655HC 82
- 5 sc/es/88



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1 1 Section 1. NEW SECTION. 49B.1 MAIL BALLOT ELECTIONS.
1 2 A mail ballot election may be conducted in cities with a
1 3 population of two hundred or less. Mail ballot elections
1 4 shall be conducted as provided in this chapter.
1 5 Sec. 2. NEW SECTION. 49B.2 DEFINITIONS.
1 6 As used in this chapter, unless the context otherwise
1 7 requires:
1 8 1. "Election day" is the date established by law on which
1 9 a particular election would be held if that election were
1 10 being conducted by means other than a mail ballot election.
1 11 2. "Return verification envelope" means an envelope that
1 12 contains a secrecy envelope and that is designed to allow
1 13 election officials, upon examination of the outside of the
1 14 envelope, to determine that the ballot is being submitted by
1 15 someone who is in fact a registered voter and who has not
1 16 already voted.
1 17 3. "Secrecy envelope" means an envelope that is used to
1 18 contain the voter's ballot and that is designed to conceal the
1 19 voter's vote and to prevent the voter's ballot from being
1 20 distinguished from the ballots of other voters.
1 21 Sec. 3. NEW SECTION. 49B.3 MAIL BALLOT ELECTION
1 22 PROCEDURE.
1 23 The state commissioner of elections shall prescribe uniform
1 24 procedures and forms to be used in the conduct of mail ballot
1 25 elections.
1 26 Sec. 4. NEW SECTION. 49B.4 INITIATION BY GOVERNING BODY.
1 27 1. If the city council of a city with a population of two
1 28 hundred or less determines that it is economically and
1 29 administratively feasible to conduct the regular city election
1 30 or a special city election by mail, the city council, by
1 31 resolution, may require the county commissioner of elections
1 32 to conduct the election under this chapter by filing the
1 33 resolution with the county commissioner not later than ninety
1 34 days before the date of the election.
1 35 2. After the resolution is filed, the county commissioner



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2 1 shall prepare a written plan for conducting the election as
2 2 provided in section 49B.5. At least seventy=one days before
2 3 the date set for the election, the county commissioner shall
2 4 forward a copy of the written plan to the city council.
2 5 Sec. 5. NEW SECTION. 49B.5 WRITTEN PLAN FOR CONDUCTING
2 6 ELECTION == AMENDMENTS == APPROVAL PROCEDURE.
2 7 1. The county commissioner shall prepare a written plan,
2 8 including a timetable, for conducting a mail ballot election
2 9 and shall submit it to the state commissioner of elections at
2 10 least seventy=one days before the date of the election.
2 11 2. The plan may be amended by the county commissioner any
2 12 time before the sixty=fourth day before the date of the
2 13 election by notifying the state commissioner of elections in
2 14 writing of any changes.
2 15 3. Within five days after receiving the plan, and as soon
2 16 as possible after receiving any amendments, the state
2 17 commissioner of elections shall approve, disapprove, or
2 18 recommend changes to the plan or amendments. The final plan
2 19 shall be approved by the state commissioner and available to
2 20 the public at least two days before the deadline for
2 21 candidates to file nomination papers in the office of the city
2 22 clerk. The county commissioner shall forward a copy of the
2 23 final plan to the city council of the city for which the mail
2 24 ballot election will be conducted.
2 25 4. When the plan has been approved, the county
2 26 commissioner shall proceed to conduct the election according
2 27 to the approved plan.
2 28 Sec. 6. NEW SECTION. 49B.6 PUBLICATION OF NOTICE.
2 29 1. The county commissioner shall, not more than ten days
2 30 and not less than four days before the date that ballots are
2 31 to be mailed, publish notice that a mail ballot election will
2 32 be conducted. The notice shall be published in a newspaper of
2 33 general circulation in each city for which the mail ballot
2 34 election will be conducted. The notice shall include all of
2 35 the following information:



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- 3 1 a. The date ballots will be mailed.
3 2 b. The last day that a voter can request an absentee
3 3 ballot.
3 4 c. Voter registration deadlines.
3 5 d. Location or locations where mail ballots can be
3 6 deposited pursuant to section 49B.13.
3 7 e. Instructions for obtaining a replacement ballot if a
3 8 voter's ballot is destroyed, spoiled, lost, or not received
3 9 pursuant to section 49B.9.
- 3 10 2. The county commissioner is not required to publish a
3 11 sample ballot.
- 3 12 Sec. 7. NEW SECTION. 49B.7 MAILING BALLOTS.
3 13 1. Official ballots for a mail ballot election shall be
3 14 prepared and all other initial procedures for elections shall
3 15 be followed as otherwise provided by law.
3 16 2. The county commissioner of elections shall mail an
3 17 official ballot to every registered voter of the city
3 18 conducting the election on a date not sooner than the
3 19 twentieth day before the date of the election and not later
3 20 than the tenth day before the date of the election. An
3 21 exception shall be made for those ballots delivered as
3 22 prescribed in section 49B.12.
3 23 3. All ballots shall be mailed by first class mail.
3 24 4. Ballots mailed by the county commissioner shall be
3 25 addressed to the address of each voter appearing in the
3 26 registration records of the city, and placed in an envelope
3 27 which is prominently marked "Do Not Forward".
- 3 28 Sec. 8. NEW SECTION. 49B.8 REGISTRATION.
3 29 The county commissioner shall not mail a ballot under this
3 30 chapter to any voter not registered thirty days before the
3 31 date of the election. Voters registered less than thirty days
3 32 before the date of the election, but before the close of
3 33 registration, may apply for a ballot under section 49B.9.
- 3 34 Sec. 9. NEW SECTION. 49B.9 REPLACEMENT BALLOTS.
3 35 If the mail ballot is destroyed, spoiled, lost, or not



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4 1 received by the voter or if the voter was registered less than
4 2 thirty days before the date of the election but before the
4 3 close of registration, the voter may obtain a replacement
4 4 ballot from the county commissioner as provided in this
4 5 section. A voter seeking a replacement ballot shall sign a
4 6 statement, on a form prescribed by the state commissioner,
4 7 that the ballot was destroyed, spoiled, lost, or not received
4 8 or that the voter was registered less than thirty days before
4 9 the date of the election but before the close of registration.
4 10 The voter or the voter's designee shall deliver the statement
4 11 to the county commissioner before noon on the date of the
4 12 election. The voter may mail the statement to the county
4 13 commissioner. However, a county commissioner shall not
4 14 transmit a ballot by mail under this section unless the
4 15 statement is received before five p.m. on the fourth day
4 16 before the date of the election. When a statement is timely
4 17 received under this section, the county commissioner shall
4 18 give the ballot to the voter if the voter is present in the
4 19 office of the county commissioner or shall promptly mail the
4 20 ballot to the voter at the address contained in the statement,
4 21 except when prohibited by this section. If the voter is
4 22 present in the county commissioner's office, the ballot shall
4 23 be voted at that time. The county commissioner shall keep a
4 24 record of each replacement ballot provided under this section.
4 25 If a voter, having received and voted a replacement ballot as
4 26 provided under this section, later finds the lost ballot, the
4 27 voter shall return the lost ballot to the county commissioner.

4 28 Sec. 10. NEW SECTION. 49B.10 VOTING AND RETURN OF
4 29 BALLOT.

4 30 1. A registered voter, upon receipt of a mail ballot,
4 31 shall mark the ballot in such a manner that no other person
4 32 will know how the ballot is marked and shall place it in the
4 33 secrecy envelope provided with the ballot.

4 34 A voter who is blind, cannot read, or because of a physical
4 35 disability is unable to mark the ballot, may be assisted by



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- 5 1 any person selected by the voter.
- 5 2 2. The voter shall place the secrecy envelope containing
5 3 the ballot in a return verification envelope marked postage
5 4 paid and shall sign and securely seal the return verification
5 5 envelope. The sealed return verification envelope shall be
5 6 returned to the county commissioner by one of the following
5 7 methods:
- 5 8 a. The sealed return verification envelope may be
5 9 delivered by the registered voter or the voter's designee to
5 10 the county commissioner's office or a place designated by the
5 11 commissioner no later than the time the polls close on
5 12 election day.
- 5 13 b. The sealed return verification envelope may be mailed
5 14 to the county commissioner. In order for the ballot to be
5 15 counted, the return verification envelope must be clearly
5 16 postmarked by an officially authorized postal service not
5 17 later than the day before the election and received by the
5 18 county commissioner not later than the time established for
5 19 the canvass by the board of supervisors for that election.
5 20 The county commissioner shall contact the post office serving
5 21 the county commissioner's office at the latest practicable
5 22 hour before the canvass by the board of supervisors for that
5 23 election and shall arrange for return verification envelopes
5 24 received in that post office but not yet delivered to the
5 25 commissioner's office to be brought to the commissioner's
5 26 office before the canvass for that election by the board of
5 27 supervisors.
- 5 28 Sec. 11. NEW SECTION. 49B.11 ABSENTEE BALLOTS.
- 5 29 1. A registered voter who will be absent from the city
5 30 during the time when the ballots are mailed may do either of
5 31 the following:
- 5 32 a. Vote in person in the county commissioner's office as
5 33 soon as ballots are available and until noon the day before
5 34 the ballots are scheduled to be mailed.
- 5 35 b. Make a written request, signed by the voter and



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6 1 addressed to the county commissioner, that the ballot be
6 2 mailed to an address other than that which appears on the
6 3 voter's registration record. Written requests shall be
6 4 accepted until noon the day before the ballots are scheduled
6 5 to be mailed.
6 6 2. Ballots mailed to voters pursuant to this section shall
6 7 be mailed the same day that all other ballots are mailed.
6 8 Sec. 12. NEW SECTION. 49B.12 BALLOTING BY CONFINED
6 9 PERSONS.
6 10 A person who is a resident or patient in a health care
6 11 facility or hospital located in the county in which the
6 12 election is to be held shall not be mailed a ballot but shall
6 13 have a ballot delivered in the manner prescribed by section
6 14 53.22, subsection 1.
6 15 Sec. 13. NEW SECTION. 49B.13 PERSONAL DELIVERY OF MAIL
6 16 BALLOT == BALLOT DROPOFF STATIONS.
6 17 Ballot dropoff stations for the deposit of mail ballots may
6 18 be established in the city conducting the mail ballot election
6 19 at the direction of the county commissioner. A ballot dropoff
6 20 station established at the direction of the commissioner shall
6 21 be open from eight a.m. until the polls close on the day of
6 22 the election.
6 23 Sec. 14. NEW SECTION. 49B.14 RECEIPT OF BALLOT ==
6 24 SIGNATURE VERIFICATION.
6 25 When a mail ballot is returned, the county commissioner or
6 26 the county commissioner's designees shall first examine the
6 27 return verification envelope to determine whether it was
6 28 submitted by a registered voter who has not previously voted.
6 29 A ballot shall be counted only if it is returned in the return
6 30 verification envelope, the envelope is signed by the voter to
6 31 whom the ballot is issued, and the signature has been verified
6 32 as provided in this section.
6 33 The county commissioner or the county commissioner's
6 34 designees shall verify the signature of each voter on the
6 35 return verification envelope with the signature in the voter's



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7 1 registration records and may commence verification at any time
7 2 before election day. If a voter to whom a replacement ballot
7 3 has been issued under section 49B.9 returns more than one
7 4 ballot, only the replacement ballot shall be counted.

7 5 If the voter's signature is verified and the ballot is
7 6 otherwise valid, the county commissioner or the county
7 7 commissioner's designees shall deposit the ballot unopened in
7 8 an official ballot box.

7 9 Sec. 15. NEW SECTION. 49B.15 PROCEDURE FOR INVALID
7 10 BALLOTS.

7 11 If the county commissioner is not convinced that the
7 12 individual who signed the return verification envelope is the
7 13 voter whose name appears on the registration card, the county
7 14 commissioner shall not deposit the ballot in a ballot box but
7 15 shall do all of the following:

7 16 1. Give notice to the voter as follows:

7 17 a. As soon as possible after receipt of a voter's ballot,
7 18 give notice to the voter, either by telephone or by first
7 19 class mail, that the county commissioner is unable to verify
7 20 the voter's signature.

7 21 b. Inform the voter that the voter may appear in person at
7 22 the county commissioner's office before the close of the polls
7 23 on election day and verify the signature.

7 24 2. Permit any voter appearing pursuant to subsection 1,
7 25 paragraph "b", to:

7 26 a. Verify the voter's signature, after proof of
7 27 identification, by affirming that the signature is in fact the
7 28 voter's or by completing a new registration card containing
7 29 the voter's current signature.

7 30 b. If necessary, request and receive a replacement ballot
7 31 and vote at that time.

7 32 3. If the discrepancy is not rectified to the county
7 33 commissioner's satisfaction, present the unopened envelope and
7 34 the registration card to the special precinct election board
7 35 for a determination. If the election board is unable to



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8 1 resolve the issue to its satisfaction, the ballot shall not be
8 2 counted.

8 3 Sec. 16. NEW SECTION. 49B.16 COUNTING BALLOTS.

8 4 Mail ballots shall be counted in the manner prescribed by
8 5 section 53.23 for absentee ballots. The county commissioner
8 6 shall supervise the procedures for the handling, counting, and
8 7 canvassing of ballots to ensure the safety and confidentiality
8 8 of all ballots.

8 9 Sec. 17. NEW SECTION. 49B.17 CHALLENGES.

8 10 Votes cast pursuant to this chapter may be challenged in
8 11 the manner prescribed by section 53.31 for absentee ballots.

8 12 Sec. 18. NEW SECTION. 49B.18 CANVASS OF VOTES.

8 13 The provisions of chapter 50 relating to canvass of votes
8 14 apply to this chapter only to the extent they do not conflict
8 15 with this chapter.

8 16 Sec. 19. NEW SECTION. 49B.19 OTHER LAWS.

8 17 All laws which apply to elections apply to mail ballot
8 18 elections held under this chapter to the extent applicable.

8 19 Sec. 20. NEW SECTION. 49B.20 RULES.

8 20 The state commissioner of elections shall adopt rules
8 21 pursuant to chapter 17A to govern the procedures and forms
8 22 necessary to administer this chapter. The authority of the
8 23 state commissioner to adopt rules under this chapter shall be
8 24 liberally construed.

8 25 Sec. 21. NEW SECTION. 49B.21 MISCONDUCT == VIOLATIONS ==
8 26 PENALTIES.

8 27 A person who violates or attempts to violate any provision
8 28 or requirement of this chapter for which a penalty is not
8 29 otherwise provided under chapter 39A commits a simple
8 30 misdemeanor.

8 31 Sec. 22. Section 39.3, Code 2007, is amended by adding the
8 32 following new subsection:

8 33 NEW SUBSECTION. 8A. "Mail ballot election" means an
8 34 election conducted pursuant to chapter 49B.

8 35 EXPLANATION

9 1 This bill creates a new Code chapter 49B and establishes a
9 2 procedure for elections in cities with a population of 200 or
9 3 less to be conducted by mailed ballots. To qualify for this
9 4 method of election, the city council must adopt a resolution
9 5 not later than 90 days before the date of the election
9 6 directing the county commissioner of elections to conduct the
9 7 regular city election or special city election as a mail
9 8 ballot election. The election must be conducted pursuant to a
9 9 plan proposed by the county commissioner of elections (county
9 10 auditor) and approved by the state commissioner of elections
9 11 (secretary of state).

9 12 The bill requires the county commissioner to mail the
9 13 ballots to registered voters in the city no more than 20 days
9 14 and no less than 10 days before the date of the election. To
9 15 receive a mailed ballot, an elector must be registered to vote
9 16 30 or more days before the date of the election. A completed
9 17 ballot must be personally delivered to the commissioner's
9 18 office or a designated place no later than the time the polls
9 19 close on election day or must be postmarked no later than the
9 20 day before the election and received by the commissioner not
9 21 later than the date set for canvassing the ballots.



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9 22 The bill provides a method for receiving a replacement
9 23 ballot if a mail ballot is destroyed, spoiled, lost, or not
9 24 received by the voter. The bill provides that absentee
9 25 ballots may be voted at the county commissioner's office as
9 26 soon as ballots are available or, upon written request of the
9 27 voter, may be mailed to an address other than the address on
9 28 the voter's registration record.

9 29 The bill also provides that state election laws apply to
9 30 mail ballot elections to the extent applicable. The bill
9 31 requires the state commissioner of elections to adopt
9 32 administrative rules relating to mail ballot elections.

9 33 A person who violates any provision of mail ballot election
9 34 law for which a penalty is not otherwise provided commits a
9 35 simple misdemeanor.



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10 1 LSB 1655HC 82
10 2 sc:rj/es/88



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House Study Bill 35

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

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

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



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

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

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

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

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

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

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

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

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

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

1 35 482.2 DEFINITIONS.



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



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



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

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

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

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

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

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

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

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

4 28 482.4 COMMERCIAL LICENSES AND GEAR TAGS.

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

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



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

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

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

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

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

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



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



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



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

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

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

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

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

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

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

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

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

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

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

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



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9 22 catches being sold. ~~Individuals purchasing fish, turtles, or~~
~~9 23 mussels from a commercial fisher, turtle fisher, or mussel~~
~~9 24 fisher need not possess a license.~~

9 25 Sec. 10. Section 482.11, subsections 1 and 3, Code 2007,
9 26 are amended to read as follows:

9 27 1. ~~A person shall not~~ All persons who commercially take,
9 28 attempt to take, possess, or process, transport, sell, or buy
9 29 turtles from the waters of the state without or their parts
9 30 shall possess an appropriate, valid commercial license.

9 31 a. ~~A valid sport fishing~~ commercial turtle fisher license
9 32 entitles a person is required to operate commercial turtle
9 33 fishing gear and to take and, attempt to take, possess a
~~9 34 maximum of one hundred pounds of live turtles or fifty pounds~~
~~9 35 of dressed, process, transport, or sell commercial turtles or~~



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House Study Bill 34 continued

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

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

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

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

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

~~10 34 Sec. 11. Section 482.11, subsection 4, Code 2007, is~~
~~10 35 stricken.~~



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

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

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

11 12 482.14 REPORTS REQUIRED.

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

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

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



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House Study Bill 34 continued

12 1 transaction.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

13 27 EXPLANATION

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

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



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



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

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

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

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

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

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



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16 1 The bill moves language concerning boundary waters sport
16 2 trotline licenses from Code chapter 482 to Code chapter 483A
16 3 and increases the annual fee for such a license from \$10 to
16 4 \$20 for residents and from \$20 to \$40 for nonresidents.

16 5 The bill moves language concerning the use of boundary
16 6 waters sports trotline licenses from Code section 482.4 to new
16 7 Code section 483A.28 and allows such a licensee to use a
16 8 maximum of four trotlines with 200 hooks in the aggregate,
16 9 only on boundary waters, which are properly tagged with the
16 10 licensee's name and address. A boundary waters sport trotline
16 11 licensee is not permitted to sell fish or turtles taken
16 12 pursuant to the license.

16 13 The bill moves language concerning the taking and
16 14 possessing of turtles with a sport fishing license from Code
16 15 section 482.11 to new Code section 483A.28 and allows such a
16 16 licensee to take and possess a maximum of 100 pounds of live
16 17 turtles or 50 pounds of dressed turtles, using fishing gear
16 18 that is properly tagged with the licensee's name and address.
16 19 A sport fishing licensee is not permitted to sell live or
16 20 dressed turtles taken pursuant to the license.

16 21 The bill also moves language concerning the taking and
16 22 possessing of mussels or shells with a sport fishing license
16 23 from Code section 482.12 to new Code section 483A.28 and
16 24 allows such a licensee to take and possess a maximum amount of
16 25 mussels or shells daily as is authorized by the natural
16 26 resource commission by rule. A sport fishing licensee is not
16 27 permitted to sell mussels or shells taken pursuant to the
16 28 license.

16 29 The penalty for unlawfully taking turtles or mussels with a
16 30 sport fishing license under new Code section 483A.28 is a
16 31 scheduled fine of \$50 for residents and \$70 for nonresidents
16 32 pursuant to Code section 805.8B, subsection 3, paragraph "p".
16 33 Previously, the scheduled fine for sport turtle or sport
16 34 mussel violations was \$50 for residents and nonresidents. The
16 35 bill adds a new paragraph to Code section 805.8B, subsection



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17 1 3, providing that for violations of new Code section 483A.28,
17 2 other than license violations, the scheduled fine is \$25.
17 3 This language is similar to the penalty for gear tag
17 4 violations involving commercial licenses that is contained in
17 5 Code section 805.8B, subsection 3, paragraph "m", and is also
17 6 a scheduled fine of \$25.
17 7 LSB 1406DP 82
17 8 av:nh/je/5.1



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House Study Bill 36

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning health and dental coverage for certain peace
- 2 officers of the department of public safety.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1704YC 82
- 5 ec/es/88



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House Study Bill 36 continued

PAG LIN

1 1 Section 1. Section 80.8, Code 2007, is amended by adding
1 2 the following new unnumbered paragraph:
1 3 NEW UNNUMBERED PARAGRAPH. Peace officers of the department
1 4 excluded from the provisions of chapter 20 shall receive
1 5 health and dental insurance coverage in the same manner as
1 6 provided to peace officers of the department covered by a
1 7 collective bargaining agreement entered into between the state
1 8 and the employee organization representing such covered peace
1 9 officers under chapter 20.

1 10 EXPLANATION

1 11 This bill provides that peace officers of the department of
1 12 public safety who are excluded from collective bargaining
1 13 under Code chapter 20 shall receive health and dental
1 14 insurance coverage in the same manner as peace officers
1 15 covered by a collective bargaining agreement.

1 16 LSB 1704YC 82

1 17 ec:rj/es/88



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House Study Bill 37

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act regulating 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 1408DP 82
- 5 av/je/5



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House Study Bill 37 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 in the performance of their official duties
1 19 related to public health, wildlife management, or wildlife
1 20 removal. However, a drug shall not be administered by any
1 21 person for fertility control or growth stimulation except as
1 22 provided in subsection 2.
1 23 5. An officer of the department may take possession of or
1 24 dispose of any noncaptive vertebrate wildlife that the officer
1 25 reasonably believes has been administered drugs in violation
1 26 of this section.
1 27 6. A person who violates this section is guilty of a
1 28 serious misdemeanor.

1 29 EXPLANATION

1 30 This bill relates to the administration of drugs to certain
1 31 noncaptive vertebrate wildlife. For the purposes of the bill,
1 32 "drug" means any chemical substance, other than food, that
1 33 affects the structure or biological function of any noncaptive
1 34 vertebrate wildlife species.
1 35 The bill prohibits the administration of drugs to any



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

2 6 The bill does not prohibit a licensed veterinarian or
2 7 holder of a wildlife rehabilitation permit from treating sick
2 8 or injured wildlife. The bill also does not prohibit
2 9 government employees from carrying out their official duties
2 10 related to public health, wildlife management, or wildlife
2 11 removal.

2 12 The bill authorizes an officer of the department to take
2 13 possession of and dispose of any noncaptive vertebrate
2 14 wildlife that the officer reasonably believes has been
2 15 administered drugs in violation of the bill.

2 16 A person who violates the provisions of the bill is guilty
2 17 of a serious misdemeanor. A serious misdemeanor is punishable
2 18 by confinement for no more than one year and a fine of at
2 19 least \$315 but not more than \$1,875.

2 20 LSB 1408DP 82

2 21 av:rj/je/5.1



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House Study Bill 38

SENATE/HOUSE FILE
 BY (PROPOSED CITIZENS'
 AIDE/OMBUDSMAN BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to a meeting of a governmental body concerning an
 2 individual whose appointment, hiring, performance, or
 3 discharge is being considered and a public records request
 4 concerning an applicant, candidate, or nominee being
 5 considered for employment with or appointment by a government
 6 body.
 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 8 TLSB 1269DP 82
 9 rh/gg/14



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PAG LIN

1 1 Section 1. Section 21.5, subsection 1, paragraph i, Code
1 2 2007, is amended to read as follows:
1 3 i. To evaluate the professional competency of an
1 4 individual whose appointment, hiring, performance, or
1 5 discharge is being considered ~~when necessary to prevent~~
~~1 6 needless and irreparable injury to that individual's~~
~~1 7 reputation and that individual requests a closed session if~~
1 8 both of the following apply:
1 9 (1) The individual requests a closed session in writing
1 10 and states the reason for the request.
1 11 (2) The governmental body determines that a closed session
1 12 is necessary to prevent needless and irreparable injury to the
1 13 individual's reputation.
1 14 Sec. 2. Section 22.7, subsection 18, Code 2007, is amended
1 15 by adding the following new paragraph:
1 16 NEW PARAGRAPH. d. Information contained in the
1 17 communication pertaining to an applicant, candidate, or
1 18 nominee being considered for employment with or appointment by
1 19 a government body is a public record unless both of the
1 20 following apply:
1 21 (1) The applicant, candidate, or nominee requests in
1 22 writing that the information be kept confidential.
1 23 (2) The governmental body makes a determination that
1 24 disclosure of the information will result in needless and
1 25 irreparable injury to the reputation of the applicant,
1 26 candidate, or nominee.
1 27 However, the government body shall disclose at least the
1 28 name, city of residence, employment history, and educational
1 29 history of an applicant, candidate, or nominee under final
1 30 consideration.
1 31 The government body shall notify the applicant, candidate,
1 32 or nominee of the requirements of this paragraph "d".
1 33 EXPLANATION
1 34 This bill relates to a meeting of a governmental body
1 35 concerning an individual whose appointment, hiring,



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2 1 performance, or discharge is being considered and a public
2 2 records request concerning an applicant, candidate, or nominee
2 3 being considered for employment with or appointment by a
2 4 government body.

2 5 The bill makes changes to Code chapter 21, Iowa's open
2 6 meetings law. Current law allows a governmental body to hold
2 7 a closed meeting to evaluate the professional competency of an
2 8 individual whose appointment, hiring, performance, or
2 9 discharge is being considered at a meeting of a governmental
2 10 body when necessary to prevent needless and irreparable injury
2 11 to that individual's reputation and the individual requests a
2 12 closed session. The bill requires an individual in this
2 13 situation to request the closed meeting in writing and to
2 14 state the reason for requesting a closed meeting.

2 15 The bill makes changes to Code chapter 22, Iowa's open
2 16 records law. The bill provides that information contained in
2 17 a communication pertaining to an applicant, candidate, or
2 18 nominee being considered for employment with or appointment by
2 19 a government body is a public record unless the applicant,
2 20 candidate, or nominee requests in writing that the information
2 21 be kept confidential and the government body makes a
2 22 determination that disclosure of the information will result
2 23 in needless and irreparable injury to the reputation of the
2 24 applicant, candidate, or nominee. However, the government
2 25 body shall disclose at least the name, city of residence,
2 26 employment history, and educational history of an applicant,
2 27 candidate, or nominee under final consideration and shall
2 28 notify the applicant, candidate, or nominee of the
2 29 requirements of the public records requirements of the bill.

2 30 Code section 21.2 defines a governmental body to include a
2 31 board, council, commission or other governing body expressly
2 32 created by the statutes of this state, by executive order, or
2 33 of a political subdivision or tax-supported district in this
2 34 state; a multimembered body formally and directly created by
2 35 one or more boards, councils, commissions, or other governing



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3 1 bodies; a multimembered body to which the state board of
3 2 regents or a president of a university has delegated the
3 3 responsibility for the management and control of the
3 4 intercollegiate athletic programs at the state universities;
3 5 an advisory board, advisory commission, or task force created
3 6 by the governor or the general assembly to develop and make
3 7 recommendations on public policy issues; a nonprofit
3 8 corporation other than a fair conducting a fair event whose
3 9 facilities or indebtedness are supported in whole or in part
3 10 with property tax revenue and which is licensed to conduct
3 11 pari-mutuel wagering or a nonprofit corporation which is a
3 12 successor to the nonprofit corporation which built the
3 13 facility; a nonprofit corporation licensed to conduct gambling
3 14 games; and an advisory board, advisory commission, advisory
3 15 committee, task force, or other body created by statute or
3 16 executive order of this state or created by an executive order
3 17 of a political subdivision of this state to develop and make
3 18 recommendations on public policy issues.

3 19 Under Code section 22.1, a government body includes this
3 20 state, or any county, city, township, school corporation,
3 21 political subdivision, or tax-supported district; a nonprofit
3 22 corporation other than a fair conducting a fair event whose
3 23 facilities or indebtedness are supported in whole or in part
3 24 with property tax revenue and which is licensed to conduct
3 25 pari-mutuel wagering, or other entity of this state; or any
3 26 branch, department, board, bureau, commission, council,
3 27 committee, official, or officer of any of the foregoing, or
3 28 any employee delegated the responsibility for implementing the
3 29 requirements of Code chapter 22.

3 30 LSB 1269DP 82
3 31 rh:rj/gg/14.1



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House Study Bill 39

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

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the responsibility for providing medical care
- 2 to members of the statewide fire and police retirement system
- 3 for injuries incurred in the performance of their duties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1702YC 82
- 6 ec/gg/14



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PAG LIN

1 1 Section 1. Section 411.15, Code 2007, is amended to read
1 2 as follows:
1 3 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.
1 4 Cities shall ~~provide be responsible for any~~ hospital,
1 5 nursing, and medical attention for the members of the police
1 6 and fire departments of the cities, when injured while in the
1 7 performance of their duties as members of such department, and
1 8 shall continue to ~~provide be responsible for any~~ hospital,
1 9 nursing, and medical attention for injuries or diseases
1 10 incurred while in the performance of their duties for members
1 11 receiving a retirement allowance under section 411.6,
1 12 subsection 6. Cities may ~~provide fund the cost of the~~
1 13 hospital, nursing, and medical attention required by this
1 14 section through the purchase of insurance, by self-insuring
1 15 the obligation, or through payment of moneys into a local
1 16 government risk pool established for the purpose of covering
1 17 the costs associated with the requirements of this section.
1 18 However, the cost of the hospital, nursing, and medical
1 19 attention required by this section shall not be funded through
1 20 an employee-paid health insurance policy. The cost of
1 21 ~~providing~~ the hospital, nursing, and medical attention
1 22 required by this section shall be paid from moneys held in a
1 23 trust and agency fund established pursuant to section 384.6,
1 24 or out of the appropriation for the department to which the
1 25 injured person belongs or belonged; provided that any amounts
1 26 received by the injured person ~~under the workers' compensation~~
1 27 ~~law of the state, or~~ from any other source for such specific
1 28 purposes, shall be deducted from the amount paid by the city
1 29 under the provisions of this section.

1 30 EXPLANATION

1 31 This bill makes a change to the statewide fire and police
1 32 retirement system. The bill may include a state mandate as
1 33 defined in Code section 25B.3. The state mandate funding
1 34 requirement in Code section 25B.2, however, does not apply to
1 35 public employee retirement systems.



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2 1 Code section 411.15, concerning hospitalization and medical
2 2 attention for members who are injured in the performance of
2 3 their duties, is amended. The bill provides that the city
2 4 shall be responsible for any medical attention and shall fund
2 5 the medical attention. In addition, the bill requires that
2 6 the cost of the medical attention shall not be funded through
2 7 an employee-paid health insurance policy.
2 8 LSB 1702YC 82
2 9 ec:nh/gg/14



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House Study Bill 40

SENATE/HOUSE FILE
 BY (PROPOSED ETHICS AND CAMPAIGN
 DISCLOSURE BOARD BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to campaign contributions, the filing of
- 2 disclosure reports, the posting of statements and reports on
- 3 the internet, the posting of signs on private property, and
- 4 the escheat of funds from an unknown or unidentifiable source.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1255XD 82
- 7 jr/sh/8



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House Study Bill 40 continued

PAG LIN

1 1 Section 1. Section 68A.102, subsection 10, paragraph b,
1 2 unnumbered paragraph 2, Code 2007, is amended to read as
1 3 follows:
1 4 "Contribution" shall not include services provided without
1 5 compensation by individuals volunteering their time on behalf
1 6 of a candidate's committee or political committee or a state
1 7 or county statutory political committee except when organized
1 8 or provided on a collective basis by a business, trade
1 9 association, labor union, or any other organized group or
1 10 association. "Contribution" shall not include refreshments
1 11 served at a campaign function so long as such refreshments do
1 12 not exceed fifty dollars in value or transportation provided
1 13 to a candidate so long as its value computed at ~~a rate of~~
~~1 14 twenty cents per mile~~ the current rate of reimbursement
1 15 allowed under the standard mileage rate method for computation
1 16 of business expenses pursuant to the Internal Revenue Code
1 17 does not exceed one hundred dollars in value in any one
1 18 reporting period. "Contribution" shall not include something
1 19 provided to a candidate for the candidate's personal
1 20 consumption or use and not intended for or on behalf of the
1 21 candidate's committee.
1 22 Sec. 2. Section 68A.201, subsection 1, Code 2007, is
1 23 amended to read as follows:
1 24 1. Every committee, as defined in this chapter, shall file
1 25 a statement of organization within ten days from the date of
1 26 its organization. Unless formal organization has previously
1 27 occurred, a committee is deemed to have organized as of the
1 28 date that committee transactions exceed the financial activity
1 29 threshold established in section 68A.102, subsection 5 or 18.
1 30 If committee transactions exceed the financial activity
1 31 threshold prior to the due date for filing a disclosure report
1 32 as established under section 68A.402, the committee shall file
1 33 a disclosure report whether or not a statement of organization
1 34 has been filed by the committee.
1 35 Sec. 3. Section 68A.201, subsection 5, Code 2007, is



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2 1 amended to read as follows:

2 2 5. a. When either a committee or organization not
2 3 organized as a committee under this section makes a
2 4 contribution to a committee organized in Iowa, that committee
2 5 or organization shall disclose each contribution in excess of
2 6 fifty dollars to the board.

2 7 b. A committee or organization not organized as a
2 8 committee under this section ~~which that~~ is not registered and
2 9 filing full disclosure reports of all financial activities
2 10 with the federal election commission or another state's
2 11 disclosure commission shall register and file full disclosure
2 12 reports with the board pursuant to this chapter, ~~and.~~ The
2 13 committee or organization shall either appoint an eligible
2 14 Iowa elector as committee or organization treasurer, or shall
2 15 maintain all committee funds in an account in a financial
2 16 institution located in Iowa.

2 17 c. A committee ~~which that~~ is currently filing a disclosure
2 18 report in another jurisdiction shall either file a statement
2 19 of organization under subsections 1 and 2 and file disclosure
2 20 reports, ~~the same as those required of committees organized~~
~~2 21 only in Iowa,~~ under section 68A.402, or shall file one copy of
2 22 a verified statement with the board ~~and a second copy with the~~
~~2 23 treasurer of the committee receiving the contribution. The~~
~~2 24 form shall be completed and filed at the time the contribution~~
~~2 25 is made within fifteen days of the contribution being made.~~

2 26 d. The verified statement shall be on forms prescribed by
2 27 the board and shall attest that the committee is filing
2 28 reports with the federal election commission or in a
2 29 jurisdiction with reporting requirements which are
2 30 substantially similar to those of this chapter, and that the
2 31 contribution is made from an account ~~which that~~ does not
2 32 accept contributions ~~which that~~ would be in violation of
2 33 section 68A.503.

2 34 e. The ~~form~~ verified statement shall include the complete
2 35 name, address, and telephone number of the contributing



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3 1 committee, the state or federal jurisdiction under which it is
3 2 registered or operates, the identification of any parent
3 3 entity or other affiliates or sponsors, its purpose, the name
3 4 and address of an Iowa resident authorized to receive service
3 5 of original notice, ~~and~~ the name and address of the receiving
3 6 committee, the amount of the cash or in-kind contribution, and
3 7 the date the contribution was made.

3 8 Sec. 4. Section 68A.203, subsection 2, Code 2007, is
3 9 amended to read as follows:

3 10 2. a. An individual who receives contributions for a
3 11 committee without the prior authorization of the chairperson
3 12 of the committee or the candidate shall be responsible for
3 13 either rendering the contributions to the treasurer within
3 14 fifteen days of the date of receipt of the contributions, or
3 15 depositing the contributions in the account maintained by the
3 16 committee within seven days of the date of receipt of the
3 17 contributions.

3 18 b. A person, other than a candidate or committee officer,
3 19 who receives contributions for a committee shall, not later
3 20 than fifteen days from the date of receipt of the
3 21 contributions or on demand of the treasurer, render to the
3 22 treasurer the contributions and an account of the total of all
3 23 contributions, including the name and address of each person
3 24 making a contribution in excess of ten dollars, the amount of
3 25 the contributions, and the date on which the contributions
3 26 were received.

3 27 c. The treasurer shall deposit all contributions within
3 28 seven days of receipt by the treasurer in an account
3 29 maintained by the committee.

3 30 d. All funds of a committee shall be segregated from any
3 31 other funds held by officers, members, or associates of the
3 32 committee or the committee's candidate. However, if a
3 33 candidate's committee receives contributions only from the
3 34 candidate, or if a permanent organization temporarily engages
3 35 in activity ~~which~~ that qualifies it as a political committee



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4 1 and all expenditures of the organization are made from
4 2 existing general operating funds and funds are not solicited
4 3 or received for this purpose from sources other than operating
4 4 funds, then that committee is not required to maintain a
4 5 separate account in a financial institution.

4 6 e. Committee funds or committee property shall not be used
4 7 for the personal benefit of ~~an~~ a candidate, officer, member,
4 8 or associate of the committee. The funds of a committee are
4 9 not attachable for the personal debt of the committee's
4 10 candidate or an officer, member, or associate of the
4 11 committee.

4 12 Sec. 5. Section 68A.401, subsections 1 and 3, Code 2007,
4 13 are amended to read as follows:

4 14 1. All statements and reports required to be filed under
4 15 this chapter shall be filed with the board. The board shall
4 16 ~~provide copies of all statements and reports filed under this~~
4 17 ~~chapter for a county, city, school, or other political~~
4 18 ~~subdivision to the commissioner responsible under section 47.2~~
4 19 post on its internet website all statements and reports filed
4 20 under this chapter.

4 21 3. ~~The commissioner shall retain statements and reports~~
4 22 ~~provided by the board for a county, city, school, or other~~
4 23 ~~political subdivision for at least three years from the date~~
4 24 ~~of the election in which the committee is involved. However,~~
4 25 ~~statements and reports provided by the board for county~~
4 26 ~~statutory political committees shall be retained for five~~
4 27 ~~years from the date of the election in which the committee is~~
4 28 ~~involved. The candidate of a candidate's committee, or the~~
4 29 chairperson of any other committee, is responsible for filing
4 30 statements and reports under this chapter. The board shall
4 31 send notice to a committee that has failed to file a
4 32 disclosure report at the time required under section 68A.402.
4 33 A candidate of a candidate's committee, or the chairperson of
4 34 any other committee, may be subject to a civil penalty for
4 35 failure to file a disclosure report required under section



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5 1 68A.402.

5 2 Sec. 6. Section 68A.402, subsection 8, Code 2007, is
5 3 amended to read as follows:

5 4 8. POLITICAL COMMITTEES == BALLOT ISSUES. A political
5 5 committee expressly advocating the passage or defeat of a
5 6 ballot issue shall file reports as follows:

5 7 a. ELECTION YEAR. Five days before the election covering
5 8 the period of the date of initial activity through ten days
5 9 before election. Another report covering the time period from
5 10 nine days before the election through December 31 shall be
5 11 filed on or before January 19 of the next calendar year.

5 12 b. NONELECTION YEAR. On January 19 of the next calendar
5 13 year that covers the time period of ~~nine days before the~~
5 14 ~~election through December 31~~ January 1 through December 31 of
5 15 the previous calendar year.

5 16 Sec. 7. Section 68A.406, subsection 2, unnumbered
5 17 paragraph 2, Code 2007, is amended to read as follows:

5 18 ~~This subsection~~ Subparagraphs "d", "e", and "f" shall not
5 19 apply to the posting of signs on private property not a
5 20 polling place, except that the placement of a sign on a motor
5 21 vehicle, trailer, or semitrailer, or any attachment to a motor
5 22 vehicle, trailer, or semitrailer parked on public property
5 23 within three hundred feet of a polling place, which sign is
5 24 more than ninety square inches in size, is prohibited.

5 25 Sec. 8. Section 68A.501, Code 2007, is amended to read as
5 26 follows:

5 27 68A.501 FUNDS FROM UNKNOWN SOURCE == ESCHEAT.

5 28 The expenditure of funds from an unknown or unidentifiable
5 29 source received by a candidate or committee is prohibited.

5 30 Such funds received by a candidate or committee shall escheat
5 31 to the state. Any candidate or committee receiving such
5 32 contributions shall remit such contributions to the ~~director~~
5 33 ~~of the department of administrative services~~ board which shall
5 34 forward it to the proper agency for deposit in the general
5 35 fund of the state. Persons requested to make a contribution at



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House Study Bill 40 continued

6 1 a fundraising event shall be advised that it is illegal to
6 2 make a contribution in excess of ten dollars unless the person
6 3 making the contribution also provides the person's name and
6 4 address.

6 5 EXPLANATION

6 6 This bill makes a variety of changes to Iowa's campaign
6 7 finance and disclosure requirements.

6 8 Code section 68A.102 is amended to modify the definition of
6 9 a contribution and strikes current language that provides that
6 10 a reportable contribution shall not include transportation
6 11 provided to a candidate so long as its value is computed at a
6 12 rate of 20 cents per mile. This change maintains the \$100 cap
6 13 for transportation but ties the per mile limit to the internal
6 14 revenue service rate.

6 15 Code section 68A.201 is amended to require a committee to
6 16 file a disclosure report, whether or not a statement of
6 17 organization has been filed by the committee, whenever the
6 18 financial threshold for disclosure reporting has been met.

6 19 Code section 68A.201, subsection 5, is amended to require a
6 20 committee that is currently filing a disclosure report in
6 21 another jurisdiction to either file a statement of
6 22 organization and disclosure report, or file one copy of a
6 23 verified statement with the board. The filing must be
6 24 completed within 15 days of the contribution being made.

6 25 Code section 68A.203, subsection 2, relating to the
6 26 handling of campaign contributions, is amended to exclude a
6 27 candidate or committee officer from the current requirement
6 28 that a person who receives contributions for a committee must,
6 29 not later than 15 days from the date of receipt of the
6 30 contributions or on demand of the treasurer, render to the
6 31 treasurer the contributions and an account of the total of all
6 32 contributions, including the name and address of each person
6 33 making a contribution in excess of \$10. The bill also amends
6 34 the Code section to provide that committee funds and committee
6 35 property cannot be used for the personal benefit of a



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7 1 candidate. The current prohibition applies only to an
7 2 officer, member, or associate of the committee.
7 3 Code section 68A.401 is amended to provide that the board
7 4 will make reports and statements available on the internet.
7 5 The Code section is also amended to provide that the candidate
7 6 of a candidate's committee, or the chairperson of any other
7 7 committee, is responsible for filing statements and reports
7 8 under the Code chapter. A civil penalty is made applicable to
7 9 the failure to file a disclosure report required under Code
7 10 section 68A.402.
7 11 The Code section also eliminates a current requirement that
7 12 each county commissioner of elections retain statements and
7 13 reports for a county, city, school, or other political
7 14 subdivision for at least three years and that statements and
7 15 reports for county statutory political committees must be
7 16 retained for five years.
7 17 Code section 68A.402, subsection 8, is amended to revise
7 18 the reporting dates for a political committee advocating the
7 19 passage or defeat of a ballot issue by adding a requirement
7 20 that in an election year a report must be filed covering the
7 21 time period from nine days before the election through
7 22 December 31, on or before January 19 of the next calendar
7 23 year, and in a nonelection year a report must cover the time
7 24 period of January 1 through December 31 of the previous
7 25 calendar year.
7 26 Code section 68A.406 relates to the restrictions for
7 27 posting of signs on private property. The bill amends the
7 28 Code section by making the following three specific situations
7 29 where those restrictions do not apply:
7 30 1. On election day either on the premises of any polling
7 31 place or within 300 feet of any outside door of any building
7 32 affording access to any room where the polls are held, or of
7 33 any outside door of any building affording access to any
7 34 hallway, corridor, stairway, or other means of reaching the
7 35 room where the polls are held.



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8 1 2. Within 300 feet of an absentee voting site during the
8 2 hours when absentee ballots are available in the office of the
8 3 county commissioner of elections.
8 4 3. Within 300 feet of a satellite absentee voting station
8 5 during the hours when absentee ballots are available at the
8 6 satellite absentee voting station.
8 7 Code section 68A.501 relates to the escheat of funds from
8 8 unknown sources to the proper governmental agency.
8 9 LSB 1255XD 82
8 10 jr:rj/sh/8



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House Study Bill 41

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS/
IOWA RACING AND GAMING
COMMISSION BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the racing and gaming commission by modifying
- 2 provisions regulating horses involved in horse racing and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1388XD 82
- 6 ec/je/5



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House Study Bill 41 continued

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1 1 Section 1. Section 99D.25, subsections 5 and 9, Code 2007,
1 2 are amended to read as follows:

1 3 5. Every horse which suffers a breakdown on the racetrack,
1 4 in training, or in competition, and is destroyed, and every
1 5 other horse which expires while stabled on the racetrack under
1 6 the jurisdiction of the commission, shall undergo a postmortem
1 7 examination by a veterinarian or a veterinary pathologist at a
1 8 time and place acceptable to the commission veterinarian to
1 9 determine the injury or sickness which resulted in euthanasia
1 10 or natural death. Test samples ~~shall~~ may be obtained from the
1 11 carcass upon which the postmortem examination is conducted and
1 12 shall be sent to a laboratory approved by the commission for
1 13 testing for foreign substances and natural substances at
1 14 abnormal levels. When practical, blood and urine test samples
1 15 should be procured prior to euthanasia. The owner of the
1 16 deceased horse is responsible for payment of any charges due
1 17 to conduct the postmortem examination. A record of every
1 18 postmortem shall be filed with the commission by the
1 19 veterinarian or veterinary pathologist who performed the
1 20 postmortem within seventy-two hours of the death. Each owner
1 21 and trainer accepts the responsibility for the postmortem
1 22 examination provided herein as a requisite for maintaining the
1 23 occupational license issued by the commission.

1 24 9. The commission shall conduct random tests of bodily
1 25 substances of horses entered to race each day of a race
1 26 meeting to aid in the detection of any unlawful drugging. The
1 27 tests may be conducted both prior to and after a race. The
1 28 commission ~~shall~~ may also test any horse that breaks down
1 29 during a race and shall perform an autopsy on any horse that
1 30 is killed or subsequently destroyed as a result of an accident
1 31 during a race. When practical, blood and urine test samples
1 32 should be procured prior to euthanasia.

1 33 Sec. 2. Section 99D.25A, subsection 1, paragraph a, Code
1 34 2007, is amended to read as follows:

1 35 a. "Bleeder" means, according to its context, ~~either~~ any



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House Study Bill 41 continued

2 1 of the following:

2 2 (1) A horse which, during a race or exercise, is observed
2 3 by the commission veterinarian or ~~designee~~ a licensed
2 4 practicing veterinarian to be shedding blood from one or both
2 5 nostrils and in which no upper airway injury is noted during
2 6 an examination by the commission veterinarian or a licensed
2 7 practicing veterinarian immediately following such a race or
2 8 exercise;.

2 9 (2) A horse which, within one and one-half hours of such a
2 10 race or exercise, is observed by the commission veterinarian
2 11 or a licensed practicing veterinarian, through visual or
2 12 endoscopic examination, to be shedding blood from the lower
2 13 airway; ~~or~~.

2 14 (3) A horse which has been certified as a bleeder in
2 15 another state.

2 16 (4) A horse which has furosemide listed on its most recent
2 17 past performance.

2 18 (5) A horse which, by recommendation of a licensed
2 19 practicing veterinarian, is prescribed furosemide to control
2 20 or prevent bleeding from the lungs.

2 21 Sec. 3. Section 99D.25A, subsection 2, Code 2007, is
2 22 amended to read as follows:

2 23 2. Phenylbutazone shall not be administered to a horse in
2 24 dosages which would result in concentrations of more than ~~two~~
2 25 ~~point two five~~ micrograms of the substance or its metabolites
2 26 per milliliter of blood.

2 27 Sec. 4. Section 99D.25A, subsection 4, Code 2007, is
2 28 amended to read as follows:

2 29 4. If a test detects concentrations of phenylbutazone in
2 30 the system of a horse in excess of the level permitted in this
2 31 section, the commission shall assess a civil penalty against
2 32 the trainer of at least two hundred dollars for the first
2 33 offense and at least five hundred dollars for a second
2 34 offense. The penalty for a third or subsequent offense shall
2 35 be in the discretion of the commission. ~~A penalty assessed~~



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~~House Study Bill 41 continued~~

~~3 1 under this subsection shall not affect the placing of the
3 2 horse in the race.~~

3 3 Sec. 5. Section 99D.25A, subsection 7, Code 2007, is
3 4 amended to read as follows:

3 5 7. A horse entered to race with furosemide must be treated
3 6 at least four hours prior to post time. The furosemide shall
3 7 be administered intravenously by a veterinarian employed by
3 8 the owner or trainer of the horse. The commission shall adopt
3 9 rules to ensure that furosemide is administered as provided in
3 10 this section. The commission shall require that the
3 11 practicing veterinarian deliver an affidavit signed by the
3 12 veterinarian which certifies information regarding the
3 13 treatment of the horse. The affidavit must be delivered to a
3 14 commission veterinarian within twenty minutes following the
3 15 treatment. The statement must at least include the name of
3 16 the practicing veterinarian, the tattoo number of the horse,
3 17 the location of the barn and stall where the treatment
3 18 occurred, the race number of the horse, the name of the
3 19 trainer, and the time that the furosemide was administered.
3 20 Furosemide shall only be administered in a dose level of ~~two~~
3 21 no less than one hundred fifty milligrams and no more than
3 22 five hundred milligrams.

3 23 Sec. 6. Section 99F.6, subsection 8, paragraph a, Code
3 24 2007, is amended to read as follows:

3 25 a. The licensee or a holder of an occupational license
3 26 shall consent to the search, without a warrant, by agents of
3 27 the division of criminal investigation of the department of
3 28 public safety or commission employees designated by the
3 29 ~~secretary~~ administrator of the commission, of the licensee's
3 30 or holder's person, personal property, and effects, and
3 31 premises which are located on the excursion gambling boat or
3 32 adjacent facilities under control of the licensee, in order to
3 33 inspect or investigate for violations of this chapter or rules
3 34 adopted by the commission pursuant to this chapter. The
3 35 department or commission may also obtain administrative search



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House Study Bill 41 continued

4 1 warrants under section 808.14.

4 2 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
4 3 immediate importance, takes effect upon enactment.

4 4 EXPLANATION

4 5 This bill primarily makes changes relative to horses
4 6 involved in horse racing.

4 7 The bill provides that certain drug tests currently
4 8 required to be conducted on horses that suffer a breakdown on
4 9 the racetrack are discretionary and no longer mandatory. The
4 10 bill also provides that when practical, blood and urine

4 11 samples should be obtained prior to euthanasia of a horse.

4 12 The bill increases the maximum allowable concentration of
4 13 phenylbutazone per milliliter of blood in a horse from two
4 14 point two micrograms of the substance to five micrograms.

4 15 The bill also modifies the definition of a bleeder for
4 16 purposes of determining whether a horse can be given certain
4 17 drugs. The bill provides that a horse can be determined to be
4 18 a bleeder if any licensed practicing veterinarian observes
4 19 bleeding. Current law only allows this determination if
4 20 bleeding is observed by a racing and gaming commission
4 21 veterinarian or designee. In addition, the bill provides that
4 22 a horse can be determined to be a bleeder if the horse has
4 23 furosemide listed on its most recent performance or is
4 24 prescribed furosemide to control bleeding by a veterinarian.

4 25 The bill eliminates the provision that the placing of a
4 26 horse in a race cannot be affected even if the racing and
4 27 gaming commission assesses a civil penalty for excessive
4 28 concentrations of phenylbutazone in the system of the horse.

4 29 The bill modifies the acceptable dose level of furosemide
4 30 that can be administered to a horse prior to a race. The bill
4 31 provides that furosemide shall only be administered in a dose
4 32 of no less than 150 milligrams and no more than 500
4 33 milligrams. Current law sets the dose level at 250
4 34 milligrams.

4 35 The bill also amends Code section 99F.6 to provide that the



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House Study Bill 41 continued

5 1 administrator of the racing and gaming commission, and not the
5 2 secretary, has the authority under that Code section.
5 3 The bill takes effect upon enactment.
5 4 LSB 1388XD 82
5 5 ec:nh/je/5.1



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Senate File 33

SENATE FILE

BY RAGAN, SEYMOUR, KREIMAN,
WARNSTADT, SCHMITZ, DOTZLER,
and MULDER

Passed Senate, Date _____

Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____

Vote: Ayes _____ Nays _____

A BILL FOR

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



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Senate File 33 continued

PAG LIN

1 1 Section 1. Section 598.35, Code 2007, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 598.35 GRANDPARENT == GREAT=GRANDPARENT == VISITATION.
1 5 1. The grandparent or great=grandparent of a minor child
1 6 may petition the district court for grandchild or great=
1 7 grandchild visitation.
1 8 2. In order to give deference to the decisions of a fit
1 9 parent, the district court shall consider the fit parent's
1 10 objections to granting visitation under this section. A
1 11 rebuttable presumption arises that a fit parent's decision to
1 12 deny visitation to a grandparent or great=grandparent is in
1 13 the best interest of a minor child and will not pose
1 14 substantial harm or potential substantial harm to the minor
1 15 child.
1 16 3. The district court may grant visitation to the
1 17 grandparent or great=grandparent if the district court finds
1 18 all of the following by clear and convincing evidence:
1 19 a. The grandparent or great=grandparent has established a
1 20 substantial relationship with the child prior to the filing of
1 21 the petition.
1 22 b. The parent who is being asked to temporarily relinquish
1 23 care, custody, and control of the child to provide visitation
1 24 is unfit to make the decision regarding visitation, or a fit
1 25 parent's decision to deny visitation poses substantial harm or
1 26 potential substantial harm to the child beyond the harm
1 27 derived from the loss of the helpful, beneficial influence of
1 28 the grandparent or great=grandparent.
1 29 c. It is in the best interest of the child to grant such
1 30 visitation.
1 31 4. Visitation granted to a grandparent or a great=
1 32 grandparent prior to July 1, 2007, shall not be affected by
1 33 this section.

1 34 EXPLANATION
1 35 This bill replaces the current grandparent and great=



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Senate File 33 continued

2 1 grandparent visitation provisions. Under the bill, a
2 2 grandparent or great-grandparent of a minor child may petition
2 3 the district court for visitation. In order to give deference
2 4 to the decisions of a fit parent, the district court is
2 5 required to consider the fit parent's objections to granting
2 6 visitation, and a rebuttable presumption arises that a fit
2 7 parent's decision to deny visitation to a grandparent or
2 8 great-grandparent is in the best interest of the minor child
2 9 and will not pose substantial harm or potential substantial
2 10 harm to the minor child.

2 11 The district court may grant visitation if the court finds
2 12 by clear and convincing evidence that: the grandparent or
2 13 great-grandparent has established a substantial relationship
2 14 with the child prior to the filing of the petition; the parent
2 15 who is being asked to temporarily relinquish care, custody,
2 16 and control of the child to provide visitation is unfit to
2 17 make that decision or a fit parent's decision to deny
2 18 visitation poses substantial harm or potential substantial
2 19 harm to the child beyond the harm derived from the loss of the
2 20 helpful, beneficial influence of the grandparent or
2 21 great-grandparent; and it is in the best interest of the child
2 22 to grant such visitation.

2 23 Under the bill, visitation granted to a grandparent or a
2 24 great-grandparent prior to July 1, 2007, is not affected.

2 25 LSB 1741XS 82

2 26 pf:rj/je/5



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Senate Resolution 3

PAG LIN

1 1 SENATE RESOLUTION NO. ____
1 2 BY GRONSTAL
1 3 A Resolution honoring the women's volleyball team from
1 4 Iowa Western Community College on winning the
1 5 Division I National Junior College Athletic
1 6 Association volleyball tournament.
1 7 WHEREAS, the Iowa Western Community College women's
1 8 volleyball team took the name and embodies the spirit
1 9 of the Reivers, those bold Scot raiders long
1 10 celebrated in ballad and myth; and
1 11 WHEREAS, at the National Junior College Athletic
1 12 Association volleyball tournament in West Plains,
1 13 Missouri, the Reivers captured the 2006 national
1 14 championship title, besting number one ranked Western
1 15 Nebraska; and
1 16 WHEREAS, that victory gave the Reivers a phenomenal
1 17 season of 60 wins and four losses, with all 60 wins
1 18 coming in sweeps; and
1 19 WHEREAS, the championship brought special
1 20 recognition to a number of team members, with
1 21 sophomore Luciana Rapach being named the tournament's
1 22 most valuable player, freshmen Juliana Paz and Rachel
1 23 Green named to the all-tournament team, and Coach
1 24 Terry Gamble named coach of the year by the American
1 25 Volleyball Coaches Association; and
1 26 WHEREAS, Juliana Paz also shattered all of the Iowa
1 27 Western kill records in 2006, finishing with 1,017 for
1 28 the season, and was recognized by the National Junior
1 29 College Athletic Association as an All-American and by
1 30 the American Volleyball Coaches Association as "The



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Senate Resolution 3 continued

2 1 Player of the Year"; NOW THEREFORE,
2 2 BE IT RESOLVED BY THE SENATE, That the Senate
2 3 honors the members of the Iowa Western Community
2 4 College women's volleyball team: Jaclyn Carnago,
2 5 Rachel Green, Julia Kenealy, Alicia Runge, Kelli
2 6 Fiedler, Michaela McElroy, Luciana Rapach, Stephanie
2 7 Svoboda, Brianne Tapley, Alyssa Reich, Kerley Becker,
2 8 Gabby Pfannenstiel, Cindy Blatt, Juliana Paz, Coach
2 9 Terry Gamble, and Assistant Coach Becky Verespej for
2 10 capturing the championship in the 2006 National Junior
2 11 College Athletic Association volleyball tournament.
2 12 LSB 1610SS 82
2 13 jr:sc/gg/14.1



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Senate Study Bill 1071

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

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 1837XC 82
- 5 pf/je/5



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Senate Study Bill 1071 continued

PAG LIN

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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Senate Study Bill 1071 continued

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 1837XC 82

3 11 pf:nh/je/5



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Senate Study Bill 1072

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the regulation of hospitals and health care
2 facilities by the department of inspections and appeals,
3 including investigations of complaints against health care
4 facilities and rules relating to authentication of certain
5 orders by practitioners, and providing an immediate effective
6 date.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1380XD 82
9 nh/je/5



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Senate Study Bill 1072 continued

PAG LIN

1 1 Section 1. Section 135C.38, subsection 1, paragraph a,
1 2 Code 2007, is amended to read as follows:

1 3 a. Upon receipt of a complaint made in accordance with
1 4 section 135C.37, the department or resident advocate committee
1 5 shall make a preliminary review of the complaint. Unless the
1 6 department or committee concludes that the complaint is
1 7 intended to harass a facility or a licensee or is without
1 8 reasonable basis, ~~it~~ the department or committee shall within
~~1 9 twenty working days of receipt of the complaint~~ make or cause
1 10 to be made an on-site inspection of the health care facility
1 11 which is the subject of the complaint ~~within the time period~~
1 12 determined pursuant to the following guidelines, which period
1 13 shall commence on the date of receipt of the complaint:

1 14 (1) For nursing facilities, the United States department
1 15 of health and human services, centers for Medicare and
1 16 Medicaid services, publication number 100=07, state operations
1 17 manual, chapter 5.

1 18 (2) For intermediate care facilities for the mentally
1 19 retarded, the United States department of health and human
1 20 services, centers for Medicare and Medicaid services,
1 21 publication number 100=07, state operations manual, chapter 5,
1 22 except that for allegations of abuse or harm, an on-site
1 23 inspection shall be initiated within twenty working days.

1 24 (3) For all other types of health care facilities, the
1 25 same as provided for intermediate care facilities for the
1 26 mentally retarded in subparagraph (2).

1 27 Sec. 2. 2001 Iowa Acts, chapter 93, section 2, is
1 28 repealed.

1 29 Sec. 3. EFFECTIVE DATE. The section of this Act repealing
1 30 2001 Iowa Acts, chapter 93, section 2, being deemed of
1 31 immediate importance, takes effect upon enactment.

1 32 EXPLANATION

1 33 This bill relates to the regulation of hospitals and health
1 34 care facilities by the department of inspections and appeals.

1 35 The bill modifies the required time frames for initiating



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2 1 investigations into complaints against health care facilities.
2 2 The bill removes the requirement that such investigations
2 3 commence within 20 days of receipt of a complaint and makes
2 4 the time frames consistent with federal requirements.
2 5 The bill repeals a sunset provision that would have
2 6 repealed, as of June 30, 2007, a provision directing the
2 7 department to adopt rules that require hospitals to establish
2 8 procedures for authentication of medication and standing
2 9 orders by a practitioner within a period not to exceed 30 days
2 10 following a patient's discharge. This section of the bill
2 11 takes effect upon enactment.
2 12 LSB 1380XD 82
2 13 nh:sc/je/5.1



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Senate Study Bill 1073

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the licensing and inspection of hotels, home
2 food establishments, and food establishments and processing
3 plants, providing and increasing fees, making penalties
4 applicable, making an appropriation, and providing an
5 effective date.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TL5B 1378XD 82
8 nh/je/5



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Senate Study Bill 1073 continued

PAG LIN

1 1 Section 1. Section 137C.6, Code 2007, is amended to read
1 2 as follows:
1 3 137C.6 AUTHORITY TO ENFORCE.
1 4 1. The director shall regulate, license, and inspect
1 5 hotels and enforce the Iowa hotel sanitation code in Iowa.
1 6 Municipal corporations shall not regulate, license, inspect,
1 7 or collect license fees from hotels except as provided for in
1 8 the Iowa hotel sanitation code.
1 9 2. If a municipal corporation wants its local board of
1 10 health to license, inspect, and otherwise enforce the Iowa
1 11 hotel sanitation code within its jurisdiction, the municipal
1 12 corporation may enter into an agreement to do so with the
1 13 director. The director may enter into the agreement if the
1 14 director finds that the local board of health has adequate
1 15 resources to perform the required functions. A municipal
1 16 corporation may only enter into an agreement to enforce the
1 17 Iowa hotel sanitation code if it also agrees to enforce the
1 18 ~~Iowa food code~~ rules setting minimum standards to protect
1 19 consumers from foodborne illness adopted pursuant to section
1 20 ~~137F.3~~ 137F.2.
1 21 3. A local board of health that is responsible for
1 22 enforcing the Iowa hotel sanitation code within its
1 23 jurisdiction pursuant to an agreement, shall make an annual
1 24 report to the director providing the following information:
1 25 ~~1.~~ a. The total number of hotel licenses granted or
1 26 renewed during the year.
1 27 ~~2.~~ b. The number of hotel licenses granted or renewed
1 28 during the year broken down into the following categories:
1 29 ~~a.~~ (1) Hotels containing fifteen guest rooms or less.
1 30 ~~b.~~ (2) Hotels containing more than fifteen but less than
1 31 thirty=one guest rooms.
1 32 ~~c.~~ (3) Hotels containing more than thirty but less than
1 33 seventy=six guest rooms.
1 34 ~~d.~~ (4) Hotels containing more than seventy=five but less
1 35 than one hundred fifty guest rooms.



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2 1 ~~e.~~ (5) Hotels containing one hundred fifty or more guest
2 2 rooms.
2 3 ~~3.~~ c. The amount of money collected in license fees
2 4 during the year.
2 5 ~~4.~~ d. Other information the director requests.
2 6 4. The director shall monitor local boards of health to
2 7 determine if they are enforcing the Iowa hotel sanitation code
2 8 within their respective jurisdictions. If the director
2 9 determines that the Iowa hotel sanitation code is enforced by
2 10 a local board of health, such enforcement shall be accepted in
2 11 lieu of enforcement by the department in that jurisdiction.
2 12 If the director determines that the Iowa hotel sanitation code
2 13 is not enforced by a local board of health, the director may
2 14 rescind the agreement after reasonable notice and an
2 15 opportunity for a hearing. If the agreement is rescinded, the
2 16 director shall assume responsibility for enforcement in the
2 17 jurisdiction involved.
2 18 Sec. 2. Section 137C.9, Code 2007, is amended to read as
2 19 follows:
2 20 137C.9 LICENSE FEES.
2 21 1. Either the department or the municipal corporation
2 22 shall collect the following annual license fees:
2 23 ~~1.~~ a. For a hotel containing fifteen guest rooms or less,
2 24 ~~twenty~~ forty dollars.
2 25 ~~2.~~ b. For a hotel containing more than fifteen but less
2 26 than thirty-one guest rooms, ~~thirty~~ sixty dollars.
2 27 ~~3.~~ c. For a hotel containing more than thirty but less
2 28 than seventy-six guest rooms, ~~forty~~ eighty dollars.
2 29 ~~4.~~ d. For a hotel containing more than seventy-five but
2 30 less than one hundred fifty guest rooms, ~~fifty~~ one hundred
2 31 dollars.
2 32 ~~5.~~ e. For a hotel containing one hundred fifty or more
2 33 guest rooms, ~~seventy-five~~ one hundred fifty dollars.
2 34 2. Fees collected by the department shall be deposited in
2 35 the general fund of the state. Fees collected by a municipal



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3 1 corporation shall be retained by it and for its use.
3 2 Sec. 3. Section 137D.2, subsection 1, Code 2007, is
3 3 amended to read as follows:
3 4 1. A person shall not open or operate a home food
3 5 establishment until a license has been obtained from the
3 6 department of inspections and appeals. The department shall
3 7 collect a fee of ~~twenty-five~~ fifty dollars for a license.
3 8 After collection, the fees shall be deposited in the general
3 9 fund of the state. A license shall expire one year from date
3 10 of issue. A license is renewable.
3 11 Sec. 4. Section 137F.1, subsection 7, Code 2007, is
3 12 amended by striking the subsection.
3 13 Sec. 5. Section 137F.1, subsection 8, unnumbered paragraph
3 14 1, Code 2007, is amended to read as follows:
3 15 "Food establishment" means an operation that stores,
3 16 prepares, packages, serves, vends, or otherwise provides food
3 17 for human consumption and includes a food service operation in
3 18 a salvage or distressed food operation, school, summer camp,
3 19 residential service substance abuse treatment facility,
3 20 halfway house substance abuse treatment facility, correctional
3 21 facility operated by the department of corrections, the state
3 22 training school, or the Iowa juvenile home. "Food
3 23 establishment" does not include the following:
3 24 Sec. 6. Section 137F.2, Code 2007, is amended by striking
3 25 the section and inserting in lieu thereof the following:
3 26 137F.2 ADOPTION BY RULE.
3 27 The department shall, in accordance with chapter 17A, adopt
3 28 rules setting minimum standards for entities covered under
3 29 this chapter to protect consumers from foodborne illness. In
3 30 so doing, the department may adopt by reference, with or
3 31 without amendment, the United States food and drug
3 32 administration food code, which shall be specified by title
3 33 and edition, date of publication, or similar information. The
3 34 rules and standards shall be formulated in consultation with
3 35 municipal corporations under agreement with the department,



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4 1 affected state agencies, and industry, professional, and
4 2 consumer groups.
4 3 Sec. 7. Section 137F.3, Code 2007, is amended to read as
4 4 follows:
4 5 137F.3 AUTHORITY TO ENFORCE.
4 6 1. The director shall regulate, license, and inspect food
4 7 establishments and food processing plants and enforce this
4 8 chapter pursuant to rules adopted by the department in
4 9 accordance with chapter 17A. Municipal corporations shall not
4 10 regulate, license, inspect, or collect license fees from food
4 11 establishments and food processing plants, except as provided
4 12 in this section.
4 13 2. A municipal corporation may enter into an agreement
4 14 with the director to provide that the municipal corporation
4 15 shall license, inspect, and otherwise enforce this chapter
4 16 within its jurisdiction. The director may enter into the
4 17 agreement if the director finds that the municipal corporation
4 18 has adequate resources to perform the required functions. A
4 19 municipal corporation may only enter into an agreement to
4 20 enforce the ~~Iowa food code~~ rules setting minimum standards to
4 21 protect consumers from foodborne illness adopted pursuant to
4 22 this section 137F.2 if it also agrees to enforce the Iowa
4 23 hotel sanitation code pursuant to section 137C.6. However,
4 24 the department shall license and inspect all food processing
4 25 plants which manufacture, package, or label food products. A
4 26 municipal corporation may license and inspect, as authorized
4 27 by this section, food processing plants whose operations are
4 28 limited to the storage of food products.
4 29 3. If the director enters into an agreement with a
4 30 municipal corporation as provided by this section, the
4 31 director shall provide that the inspection practices of a
4 32 municipal corporation are spot-checked on a regular basis.
4 33 4. A municipal corporation that is responsible for
4 34 enforcing this chapter within its jurisdiction pursuant to an
4 35 agreement shall make an annual report to the director



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5 1 providing the following information:

5 2 1. a. The total number of licenses granted or renewed by
5 3 the municipal corporation under this chapter during the year.

5 4 2. b. The number of licenses granted or renewed by the
5 5 municipal corporation under this chapter during the year in
5 6 each of the following categories:

5 7 a. (1) Food establishments.

5 8 b. (2) Food processing plants.

5 9 c. (3) Mobile food units and pushcarts.

5 10 d. (4) Temporary food establishments.

5 11 e. (5) Vending machines.

5 12 3. c. The amount of money collected in license fees
5 13 during the year.

5 14 4. d. Other information the director requests.

5 15 5. The director shall monitor municipal corporations which
5 16 have entered into an agreement pursuant to this section to
5 17 determine if they are enforcing this chapter within their
5 18 respective jurisdictions. If the director determines that
5 19 this chapter is not enforced by a municipal corporation, the
5 20 director may rescind the agreement after reasonable notice and
5 21 an opportunity for a hearing. If the agreement is rescinded,
5 22 the director shall assume responsibility for enforcement in
5 23 the jurisdiction involved.

5 24 Sec. 8. Section 137F.3A, Code 2007, is amended to read as
5 25 follows:

5 26 137F.3A MUNICIPAL CORPORATION INSPECTIONS == CONTINGENT
5 27 APPROPRIATION.

5 28 1. If a municipal corporation operating pursuant to a
5 29 chapter 28E agreement with the department of inspections and
5 30 appeals to enforce this chapter and chapters 137C and 137D
5 31 either fails to renew the agreement effective after July 1,
5 32 2005, ~~but before July 1, 2007,~~ or discontinues ~~prior to July~~
~~5 33 1, 2007,~~ enforcement activities in one or more jurisdictions
5 34 during the agreement time frame, or the department of
5 35 inspections and appeals cancels an agreement ~~prior to July 1,~~



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~~Senate Study Bill 1073 continued~~

~~6 1 2007, due to noncompliance with the terms of the agreement,
6 2 the department of inspections and appeals may employ
6 3 additional full-time equivalent positions for the fiscal years
6 4 ending prior to July 1, 2007, to enforce the provisions of the
6 5 chapters, with the approval of the department of management.
6 6 Before approval is given, the director of the department of
6 7 management shall determine that the expenses exceed the funds
6 8 budgeted by the general assembly for food inspections to the
6 9 department of inspections and appeals. The department of
6 10 inspections and appeals may hire no more than one full-time
6 11 equivalent position for each six hundred inspections required
6 12 pursuant to this chapter and chapters 137C and 137D.~~

6 13 2. Notwithstanding chapter 137D, and sections 137C.9 and
6 14 137F.6, if the conditions described in this section are met,
6 15 fees imposed pursuant to that chapter and those sections shall
6 16 be retained by and are appropriated to the department of
6 17 inspections and appeals ~~for the each fiscal years ending prior
6 18 to July 1, 2007, year~~ to provide for salaries, support,
6 19 maintenance, and miscellaneous purposes associated with the
6 20 additional inspections.

6 21 ~~3. This section is repealed July 1, 2007.~~

6 22 Sec. 9. Section 137F.6, Code 2007, is amended to read as
6 23 follows:

6 24 137F.6 LICENSE == REINSPECTION == PLAN REVIEW FEES.

6 25 1. The regulatory authority shall collect the following
6 26 annual license fees:

6 27 ~~1.~~ a. For a mobile food unit or pushcart, ~~twenty one~~
6 28 hundred dollars.

6 29 ~~2.~~ b. For a temporary food establishment per fixed
6 30 location, ~~twenty-five~~ fifty dollars.

6 31 ~~3.~~ c. For a vending machine, twenty dollars for the first
6 32 machine and five dollars for each additional machine.

6 33 ~~4.~~ d. For a food establishment which prepares or serves
6 34 food for individual portion service intended for consumption
6 35 on-the-premises, the annual license fee shall correspond to



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7 1 the annual gross food and beverage sales of the food
7 2 establishment, as follows:
7 3 ~~a.~~ (1) Annual gross sales of under fifty thousand
7 4 dollars, ~~fifty~~ one hundred dollars.
7 5 ~~b.~~ (2) Annual gross sales of at least fifty thousand
7 6 dollars but less than one hundred thousand dollars,
7 7 ~~eighty-five~~ one hundred seventy dollars.
7 8 ~~c.~~ (3) Annual gross sales of at least one hundred
7 9 thousand dollars but less than two hundred fifty thousand
7 10 dollars, ~~one hundred seventy-five~~ three hundred fifty dollars.
7 11 ~~d.~~ (4) Annual gross sales of two hundred fifty thousand
7 12 dollars but less than five hundred thousand dollars, ~~two~~ four
7 13 hundred dollars.
7 14 ~~e.~~ (5) Annual gross sales of five hundred thousand
7 15 dollars or more, ~~two hundred twenty-five~~ four hundred fifty
7 16 dollars.
7 17 ~~5.~~ e. For a food establishment which sells food or food
7 18 products to consumer customers intended for preparation or
7 19 consumption off-the-premises, the annual license fee shall
7 20 correspond to the annual gross food and beverage sales of the
7 21 food establishment, as follows:
7 22 ~~a.~~ (1) Annual gross sales of under ten thousand dollars,
7 23 ~~thirty~~ sixty dollars.
7 24 ~~b.~~ (2) Annual gross sales of at least ten thousand
7 25 dollars but less than two hundred fifty thousand dollars,
7 26 ~~seventy-five~~ one hundred fifty dollars.
7 27 ~~c.~~ (3) Annual gross sales of at least two hundred fifty
7 28 thousand dollars but less than five hundred thousand dollars,
7 29 ~~one hundred fifteen~~ two hundred thirty dollars.
7 30 ~~d.~~ (4) Annual gross sales of at least five hundred
7 31 thousand dollars but less than seven hundred fifty thousand
7 32 dollars, ~~one hundred fifty~~ three hundred dollars.
7 33 ~~e.~~ (5) Annual gross sales of seven hundred fifty thousand
7 34 dollars or more, ~~two hundred twenty-five~~ four hundred fifty
7 35 dollars.



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8 1 ~~6.~~ f. For a food processing plant, the annual license fee
8 2 shall correspond to the annual gross food and beverage sales
8 3 of the food processing plant, as follows:
8 4 ~~a.~~ (1) Annual gross sales of under fifty thousand
8 5 dollars, ~~fifty~~ one hundred dollars.
8 6 ~~b.~~ (2) Annual gross sales of at least fifty thousand
8 7 dollars but less than two hundred fifty thousand dollars, ~~one~~
8 8 two hundred dollars.
8 9 ~~c.~~ (3) Annual gross sales of at least two hundred fifty
8 10 thousand dollars but less than five hundred thousand dollars,
8 11 ~~one hundred fifty~~ three hundred dollars.
8 12 ~~d.~~ (4) Annual gross sales of five hundred thousand
8 13 dollars or more, ~~two hundred fifty~~ five hundred dollars.
8 14 ~~7.~~ g. For a farmers market where potentially hazardous
8 15 food is sold or distributed, one seasonal license fee of one
8 16 hundred dollars for each vendor on a countywide basis.
8 17 ~~A food establishment covered by subsections 4 and 5 shall~~
~~8 18 be assessed license fees not to exceed seventy-five percent of~~
~~8 19 the total fees applicable under both subsections.~~
8 20 h. Upon transfer of ownership of an existing food
8 21 establishment or food processing plant subject to a license
8 22 fee under paragraph "d", "e", or "f", the new owner shall pay
8 23 the last license fee amount paid by the previous owner for the
8 24 first year of licensure. In subsequent years, the licensee
8 25 shall pay the fee specified for the licensee's annual gross
8 26 sales.
8 27 i. A new applicant subject to a license fee under
8 28 paragraph "d", "e", or "f" shall pay the license fee based on
8 29 projected gross sales under each of the applicable paragraphs
8 30 for the first year of licensure. In subsequent years, the
8 31 licensee shall pay the fee specified for the licensee's annual
8 32 gross sales.
8 33 j. For a food establishment or food processing plant that
8 34 is being remodeled or newly constructed and that is subject to
8 35 a license fee under paragraph "d", "e", or "f", the applicant
9 1 shall pay, in addition to any other fees assessed under this
9 2 chapter, a plan review fee of up to two hundred fifty dollars,
9 3 as determined by the regulatory authority.
9 4 k. For a food establishment or food processing plant that
9 5 is being remodeled and that is subject to a license fee under
9 6 paragraph "d", "e", or "f", the licensee shall pay, in
9 7 addition to any other fees assessed under this chapter, a plan
9 8 review fee of up to two hundred fifty dollars, as determined
9 9 by the regulatory authority.
9 10 l. If a routine inspection or a complaint investigation of
9 11 a food establishment or food processing plant subject to a
9 12 license fee under paragraph "d", "e", or "f" reveals the
9 13 presence of one or more critical violations and requires one
9 14 or more physical reinspections, a reinspection fee equal to
9 15 fifty dollars shall be assessed for each reinspection.
9 16 Failure to pay the reinspection fee shall subject a food
9 17 establishment or food processing plant to suspension or
9 18 revocation of the food establishment's or food processing
9 19 plant's license pursuant to section 137F.7 and to the penalty
9 20 provisions of section 137F.17.
9 21 2. All fees imposed pursuant to this chapter shall be



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9 22 increased annually in an amount equal to the greater of five
9 23 dollars, or the consumer price index for all urban consumers
9 24 for the immediately preceding calendar year, as published in
9 25 the federal register by the United States department of
9 26 labor's bureau of labor statistics and rounded to the nearest
9 27 increment of five dollars.

9 28 3. Fees collected by the department shall be deposited in
9 29 the general fund of the state. Fees collected by a municipal
9 30 corporation shall be retained by the municipal corporation for
9 31 regulation of food establishments and food processing plants
9 32 licensed under this chapter.

9 33 4. Each vending machine licensed under this chapter shall
9 34 bear a readily visible identification tag or decal provided by
9 35 the licensee, containing the licensee's business address and



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Senate Study Bill 1073 continued

10 1 phone number, and a company license number assigned by the
10 2 regulatory authority.

10 3 Sec. 10. Section 331.756, subsection 32, Code 2007, is
10 4 amended to read as follows:

10 5 32. Assist the department of inspections and appeals in
10 6 the enforcement of the ~~Iowa food code~~ rules setting minimum
10 7 standards to protect consumers from foodborne illness adopted
10 8 pursuant to section 137F.2 and the Iowa hotel sanitation code,
10 9 as provided in sections 137F.19 and 137C.30.

10 10 Sec. 11. FOOD CODE APPLICABILITY == TEMPORARY PROVISIONS.
10 11 Pending the adoption of rules pursuant to section 137F.2, as
10 12 amended by this Act, the 1997 edition of the United States
10 13 food and drug administration food code, with the amendments or
10 14 exceptions thereto in effect prior to the effective date of
10 15 this Act, shall continue in effect.

10 16 Sec. 12. EFFECTIVE DATE. This Act, being deemed of
10 17 immediate importance, takes effect upon enactment.

10 18 EXPLANATION

10 19 This bill makes changes regarding the licensing and
10 20 inspection of hotels, home food establishments, and food
10 21 establishments.

10 22 The bill provides for an increase in the license fees
10 23 imposed on hotels pursuant to Code section 137C.9, for home
10 24 food establishments pursuant to Code section 137D.2, and for
10 25 food establishments and food processing plants pursuant to
10 26 Code section 137F.6. Except in the case of a mobile food unit
10 27 or pushcart licensed pursuant to Code section 137F.6,
10 28 subsection 1, whose fee is increased from \$20 to \$100, all
10 29 other fees are doubled in amount.

10 30 The bill provides for the deletion of a specific reference
10 31 to the adoption of the "food code" in Code section 137F.2,
10 32 statutory amendments or exceptions to the food code, providing
10 33 instead for the adoption of rules setting minimum standards to
10 34 protect consumers from foodborne illness. The bill provides
10 35 that the rules may incorporate by reference, with or without



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11 1 amendment, the United States food and drug administration food
11 2 code, which if incorporated shall be specified by title and
11 3 edition, date of publication, or similar information, and that
11 4 the rules and standards shall be formulated in consultation
11 5 with municipal corporations under agreement with the
11 6 department, affected state agencies, and industry,
11 7 professional, and consumer groups. Conforming changes are
11 8 made to other Code provisions currently referencing the "food
11 9 code" as referred to in Code chapter 137F. The bill specifies
11 10 that until the rules are adopted, the 1997 edition of the
11 11 United States food and drug administration food code, with the
11 12 amendments or exceptions in effect prior to the effective date
11 13 of the bill, shall continue to apply.

11 14 The bill includes in the definition of a "food
11 15 establishment" in Code section 137F.1 a salvage or distressed
11 16 food operation.

11 17 Code section 137F.3A, enacted in 2006, is amended to
11 18 provide that the department of inspections and appeals may
11 19 retain fees imposed on hotels, home food establishments, and
11 20 on certain food establishments, each fiscal year and use the
11 21 fees retained for costs associated with having the department
11 22 conduct food inspections in jurisdictions where the applicable
11 23 municipal corporation fails to conduct the inspections on or
11 24 after July 1, 2005. Current law allows the department to
11 25 retain and use such fees between July 1, 2005, and July 1,
11 26 2007. The bill eliminates the future repeal of the provision
11 27 on July 1, 2007.

11 28 The bill provides for new categories of fees for
11 29 reinspection and plan review relating to food establishments
11 30 under Code chapter 137F. The bill provides that if a transfer
11 31 of ownership of a certain type of existing food establishment
11 32 or food processing plant licensed under Code section 137F.6
11 33 occurs, which would include a food establishment which
11 34 prepares or serves food for individual portion service
11 35 intended for consumption on=the=premises, a food establishment



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12 1 which sells food or food products to consumer customers
12 2 intended for preparation or consumption off-the-premises, or a
12 3 food processing plant, the new owner shall pay the highest
12 4 license fee for the first year of licensure, and in subsequent
12 5 years, the fee specified for their annual gross sales.

12 6 The bill additionally provides that an applicant for
12 7 certain new licenses under Code section 137F.6 shall pay the
12 8 license fee based on projected gross sales or the previous
12 9 owner's license fee, whichever is applicable to the applicant,
12 10 for the first year of licensure and, in subsequent years, the
12 11 fee specified for their annual gross sales.

12 12 Further, for certain food establishments and food
12 13 processing plants to be licensed under Code section 137F.6
12 14 that are being newly constructed or remodeled, or for an
12 15 existing licensee undergoing remodeling, the bill provides
12 16 that the applicant or licensee shall pay, in addition to any
12 17 other fees assessed, a plan review fee of up to \$250, as
12 18 determined by the regulatory authority.

12 19 Additionally, the bill provides that if a routine
12 20 inspection or a complaint investigation of certain food
12 21 establishments and food processing plants licensed under Code
12 22 section 137F.6 reveals the presence of one or more critical
12 23 violations and requires one or more physical reinspections, a
12 24 reinspection fee equal to \$50 shall be assessed for each
12 25 reinspection. The bill specifies that failure to pay the
12 26 reinspection fee shall subject a licensee to suspension or
12 27 revocation of the license pursuant to Code section 137F.7, and
12 28 the penalty provisions of Code section 137F.17.

12 29 The bill provides that all fees imposed pursuant to Code
12 30 chapter 137F shall be increased annually in an amount equal to
12 31 the greater of \$5, or the consumer price index for all urban
12 32 consumers for the immediately preceding calendar year, as
12 33 published in the federal register by the United States
12 34 department of labor's bureau of labor statistics and rounded
12 35 to the nearest increment of \$5.



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13 1 The bill takes effect upon enactment.
13 2 LSB 1378XD 82
13 3 nh:rj/je/5.1



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Senate Study Bill 1074

SENATE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring combined corporate tax returns for unitary
- 2 businesses and including a retroactive applicability date
- 3 provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1663XC 82
- 6 mg/es/88



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1 1 Section 1. Section 422.37, Code 2007, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 422.37 COMBINED RETURNS.
1 5 An affiliated group of corporations shall, under rules
1 6 prescribed by the director, file a combined return showing the
1 7 net income of all corporations engaged in a unitary business,
1 8 subject to the following:
1 9 1. The affiliated group filing under this section shall
1 10 meet the requirements to file a consolidated return for
1 11 federal income tax purposes under the Internal Revenue Code
1 12 for the same taxable year.
1 13 2. All members of the affiliated group shall join in the
1 14 filing of an Iowa combined return to the extent they are
1 15 engaged in a unitary business.
1 16 3. Members of the affiliated group exempt from taxation by
1 17 section 422.34 shall not be included in a combined return.
1 18 4. All members of the affiliated group shall use the
1 19 statutory method of allocation and apportionment unless the
1 20 director has granted permission to all members to use an
1 21 alternative method of allocation and apportionment.
1 22 5. The computation of federal taxable income before the
1 23 net operating loss deduction on a combined return for members
1 24 of an affiliated group shall be made in the same manner and
1 25 under the same procedures, including all intercompany
1 26 adjustments and eliminations, as are required for
1 27 consolidating the incomes of affiliated corporations for the
1 28 taxable year for federal income tax purposes in accordance
1 29 with the Internal Revenue Code.
1 30 6. The combined income approach reflects the federal
1 31 taxable income of the unitary members of the Iowa affiliated
1 32 group as a single economic unit, with the application of the
1 33 adjustments in section 422.35, and the affiliated group shall
1 34 only file one income tax return. Any nonunitary members of
1 35 the federal affiliated group subject to tax imposed by section



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2 1 422.33 must each file its own separate corporate income tax
2 2 return. The net income of an affiliated group is determined
2 3 by applying the apportionment formula against the combined
2 4 income of the affiliated group.

2 5 7. Only the sales of those corporations in the affiliated
2 6 group subject to the tax imposed by section 422.33 are
2 7 included in the numerator of the apportionment formula.

2 8 8. Only those corporations in the affiliated group subject
2 9 to the tax imposed by section 422.33 are jointly and severally
2 10 liable for the Iowa tax of the combined group.

2 11 Sec. 2. RETROACTIVE APPLICABILITY PROVISION. This Act is
2 12 retroactively applicable to January 1, 2007, for tax years
2 13 beginning on or after that date.

2 14 EXPLANATION

2 15 This bill requires that the net income of affiliated groups
2 16 of corporations engaged in a unitary business be computed on a
2 17 combined return basis for corporate tax purposes if the group
2 18 meets the requirements for filing a consolidated return for
2 19 federal tax purposes. The affiliated group would include
2 20 corporations with common ownership whereby one or more
2 21 corporations own 80 percent or more of another corporation.
2 22 The bill would require that one Iowa corporate income tax
2 23 return be filed that would include all unitary members of an
2 24 affiliated group. Any nonunitary member that is subject to
2 25 Iowa tax would file its own separate corporate return. Only
2 26 Iowa sales of those corporations doing business in Iowa would
2 27 be included in the numerator of the Iowa sales ratio. The
2 28 bill also provides that only those corporations doing business
2 29 in Iowa are jointly and severally liable for the tax of the
2 30 combined return.

2 31 The bill applies retroactively to January 1, 2007, for tax
2 32 years beginning on or after that date.

2 33 LSB 1663XC 82

2 34 mg:rj/es/88



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Senate Study Bill 1075

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
REVENUE BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the policy and technical administration of the
2 tax and related laws by the department of revenue, including
3 administration of income, sales, use, cigarette, and tobacco
4 taxes.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1264XD 82
7 mg/je/5



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1 1 DIVISION I
1 2 TAX ADMINISTRATION
1 3 Section 1. Section 15E.44, subsection 1, Code 2007, is
1 4 amended to read as follows:
1 5 1. In order for an equity investment to qualify for a tax
1 6 credit, the business in which the equity investment is made
1 7 shall, within one hundred twenty days of the date of the first
1 8 investment, notify the board of the names, addresses, ~~taxpayer~~
1 9 ~~identification numbers~~, shares issued, consideration paid for
1 10 the shares, and the amount of any tax credits, of all
1 11 shareholders who may initially qualify for the tax credits,
1 12 and the earliest year in which the tax credits may be
1 13 redeemed. The list of shareholders who may qualify for the
1 14 tax credits shall be amended as new equity investments are
1 15 sold or as any information on the list shall change.
1 16 Sec. 2. Section 15E.45, subsection 3, paragraph a,
1 17 subparagraph (1), Code 2007, is amended to read as follows:
1 18 (1) The names, addresses, ~~taxpayer identification numbers~~,
1 19 equity interests issued, consideration paid for the interests,
1 20 and the amount of any tax credits.
1 21 Sec. 3. Section 421.26, Code 2007, is amended to read as
1 22 follows:
1 23 421.26 PERSONAL LIABILITY FOR TAX DUE.
1 24 If a licensee or other person under section 452A.65, a
1 25 retailer or purchaser under chapter 423A, ~~or~~ 423B, or 423E, or
1 26 section 423.31 or 423.33, or a retailer or purchaser under
1 27 section 423.32, ~~or~~ a user under section 423.34, or permit
1 28 holder or licensee under section 453A.13, 453A.16, or 453A.44
1 29 fails to pay a tax under those sections when due, an officer
1 30 of a corporation or association, notwithstanding sections
1 31 490A.601 and 490A.602, a member or manager of a limited
1 32 liability company, or a partner of a partnership, having
1 33 control or supervision of or the authority for remitting the
1 34 tax payments and having a substantial legal or equitable
1 35 interest in the ownership of the corporation, association,



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2 1 limited liability company, or partnership, who has
2 2 intentionally failed to pay the tax is personally liable for
2 3 the payment of the tax, interest, and penalty due and unpaid.
2 4 However, this section shall not apply to taxes on accounts
2 5 receivable. The dissolution of a corporation, association,
2 6 limited liability company, or partnership shall not discharge
2 7 a person's liability for failure to remit the tax due.
2 8 Sec. 4. Section 421.27, subsection 1, Code 2007, is
2 9 amended by adding the following new paragraph:
2 10 NEW PARAGRAPH. m. That an Iowa inheritance tax return is
2 11 filed for an estate within the later of nine months from the
2 12 date of death or sixty days from the filing of a disclaimer by
2 13 the beneficiary of the estate refusing to take the property or
2 14 right or interest in the property.
2 15 Sec. 5. Section 421.27, subsection 2, Code 2007, is
2 16 amended by adding the following new paragraph:
2 17 NEW PARAGRAPH. i. That an Iowa inheritance tax return is
2 18 filed for an estate within the later of nine months from the
2 19 date of death or sixty days from the filing of a disclaimer by
2 20 the beneficiary of the estate refusing to take the property or
2 21 right or interest in the property.
2 22 Sec. 6. Section 422.7, subsection 32, Code 2007, is
2 23 amended by adding the following new paragraph:
2 24 NEW PARAGRAPH. c. Add the amount resulting from a
2 25 withdrawal made by a taxpayer from the Iowa educational
2 26 savings plan trust for purposes other than the payment of
2 27 qualified education expenses to the extent previously deducted
2 28 as a contribution to the trust.
2 29 Sec. 7. Section 422.11S, subsection 6, paragraph d, Code
2 30 2007, is amended to read as follows:
2 31 d. Each school that is served by a school tuition
2 32 organization shall submit a participation form annually to the
2 33 department by ~~October 15~~ November 1 providing the following
2 34 information:
2 35 (1) Certified enrollment as of ~~the third Friday of~~



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~~3 1 September~~ October 1, or the first Monday in October if October
3 2 1 falls on a Saturday or Sunday.

3 3 (2) The school tuition organization that represents the
3 4 school. A school shall only be represented by one school
3 5 tuition organization.

3 6 Sec. 8. Section 422.11S, subsection 7, paragraph b,
3 7 unnumbered paragraph 1, Code 2007, is amended to read as
3 8 follows:

3 9 Each year by ~~November 15~~ December 1, the department shall
3 10 authorize school tuition organizations to issue tax credit
3 11 certificates for the following tax year. However, for the tax
3 12 year beginning in the 2006 calendar year only, the department,
3 13 by September 1, 2006, shall authorize school tuition
3 14 organizations to issue tax credit certificates for the 2006
3 15 calendar tax year. For the tax year beginning in the 2006
3 16 calendar year only, each school served by a school tuition
3 17 organization shall submit a participation form to the
3 18 department by August 1, 2006, providing the certified
3 19 enrollment as of the third Friday of September 2005, along
3 20 with the school tuition organization that represents the
3 21 school. Tax credit certificates available for issue by each
3 22 school tuition organization shall be determined in the
3 23 following manner:

3 24 Sec. 9. Section 422.12E, unnumbered paragraph 2, Code
3 25 2007, is amended to read as follows:

3 26 If more checkoffs are enacted in the same session of the
3 27 general assembly than there is space for inclusion on the
3 28 individual tax return form, the earliest enacted checkoffs for
3 29 which there is space for inclusion on the return form shall be
3 30 included on the return form, and all other checkoffs enacted
3 31 during that session of the general assembly are repealed. If
3 32 more checkoffs are enacted in the same session of the general
3 33 assembly than there is space for inclusion on the individual
3 34 income tax form and the additional checkoffs are enacted on
3 35 the same day, the director shall determine which checkoffs



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4 1 shall be included on the return form.

4 2 Sec. 10. Section 422.13, subsection 5, Code 2007, is
4 3 amended to read as follows:

4 4 5. Notwithstanding subsections 1 through 4 and sections
4 5 422.15 and 422.36, a partnership, a limited liability company
4 6 whose members are taxed on the company's income under
4 7 provisions of the Internal Revenue Code, trust, or corporation
4 8 whose stockholders are taxed on the corporation's income under
4 9 the provisions of the Internal Revenue Code may, not later
4 10 than the due date for filing its return for the taxable year,
4 11 including any extension thereof, elect to file a composite
4 12 return for the nonresident partners, members, beneficiaries,
4 13 or shareholders. Nonresident trusts or estates which are
4 14 partners, members, beneficiaries, or shareholders in
4 15 partnerships, limited liability companies, trusts, or S

4 16 corporations may also be included on a composite return. The
4 17 director may require that a composite return be filed under
4 18 the conditions deemed appropriate by the director. A
4 19 partnership, limited liability company, trust, or corporation
4 20 filing a composite return is liable for tax required to be
4 21 shown due on the return. All powers of the director and
4 22 requirements of the director apply to returns filed under this
4 23 subsection including, but not limited to, the provisions of
4 24 this division and division VI of this chapter.

4 25 Sec. 11. Section 422.35, subsection 17, Code 2007, is
4 26 amended to read as follows:

4 27 17. Subtract the amount of the employer social security
4 28 credit allowable for the tax year under section 45B of the
4 29 Internal Revenue Code to the extent that the credit increases
4 30 federal ~~adjusted gross~~ taxable income.

4 31 Sec. 12. Section 422.73, subsection 3, Code 2007, is
4 32 amended by striking the subsection.

4 33 Sec. 13. Section 422.75, Code 2007, is amended to read as
4 34 follows:

4 35 422.75 STATISTICS == PUBLICATION.



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5 1 The department shall prepare and publish an annual report
5 2 which shall include statistics reasonably available, with
5 3 respect to the operation of this chapter, including amounts
5 4 collected, classification of taxpayers, and such other facts
5 5 as are deemed pertinent and valuable. The annual report shall
5 6 also include the reports and information required pursuant to
5 7 ~~section 421.1, subsection 4, paragraph "e"; section 421.17,~~
5 8 ~~subsection 13; section 421.17, subsection 27, paragraph "h";~~
5 9 ~~and section 421.60, subsection 2, paragraphs "i" and "l"; and~~
5 10 ~~1997 Iowa Acts, ch. 211, section 22, subsection 5, paragraph~~
5 11 ~~"a".~~

5 12 Sec. 14. Section 423.2, subsection 6, unnumbered paragraph
5 13 2, Code 2007, is amended to read as follows:

5 14 For the purposes of this subsection, "financial
5 15 institutions" means all national banks, federally chartered
5 16 savings and loan associations, federally chartered savings
5 17 banks, federally chartered credit unions, banks organized
5 18 under chapter 524, savings and loan associations and savings
5 19 banks organized under chapter 534, ~~and~~ credit unions organized
5 20 under chapter 533, and all banks, savings banks, credit
5 21 unions, and savings and loan associations chartered or
5 22 otherwise created under the laws of any state and doing
5 23 business in Iowa.

5 24 Sec. 15. Section 423.2, Code 2007, is amended by adding
5 25 the following new subsection:

5 26 NEW SUBSECTION. 9A. A tax of five percent is imposed upon
5 27 the sales price of audiovisual works, audio works, books,
5 28 computer software, or ring tones that are sold as digital
5 29 products and that are sold by subscription, digital code, or
5 30 in some other manner and delivered electronically for
5 31 temporary or permanent retention when sold to an individual
5 32 for the individual's own use and consumption.

5 33 For the purposes of this subsection:

5 34 a. "Audiovisual works" means a series of related images
5 35 which, when shown in succession, impart an impression of



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- 6 1 motion, together with accompanying sounds, if any.
- 6 2 b. "Audio works" means works that result from the fixation
6 3 of a series of musical, spoken, or other sounds.
- 6 4 c. "Book" means a work which is generally recognized in
6 5 the ordinary and usual sense as a "book". "Book" does not
6 6 include newspapers, periodicals, databases, chat rooms, blogs,
6 7 or other similar products.
- 6 8 d. "Computer software" means the same as defined in
6 9 section 423.1.
- 6 10 e. "Delivered electronically" means delivered to or
6 11 received by the purchaser by means other than tangible storage
6 12 media.
- 6 13 f. "Digital code" means a code that provides a purchaser
6 14 with a right to obtain an item within a specified category of
6 15 selected digital products. A digital code may be obtained by
6 16 any means, including email or by tangible means regardless of
6 17 its designation as "song", "video code", or "book code".
- 6 18 g. "Ring tones" means digitized sound files which are
6 19 downloaded onto a device and which may be used to alert a
6 20 customer with respect to a communication.
- 6 21 h. "Subscription" means an agreement with a seller which
6 22 grants a consumer the right to obtain selected digital
6 23 products in a fixed quantity or for a fixed period of time or
6 24 both.
- 6 25 Sec. 16. Section 423.3, subsection 65, Code 2007, is
6 26 amended to read as follows:
- 6 27 65. The sales price from charges paid to a provider for
6 28 access to on=line computer services. For purposes of this
6 29 subsection, "on=line computer service" means a service that
6 30 provides or enables computer access by multiple users to the
6 31 internet or to other information made available through a
6 32 computer server or other device.
- 6 33 Sec. 17. Section 423.3, subsection 80, paragraph b, Code
6 34 2007, is amended to read as follows:
- 6 35 b. If a contractor, subcontractor, or builder is to use



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7 1 building materials, supplies, and equipment in the performance
7 2 of a construction contract with a designated exempt entity,
7 3 the person shall purchase such items of tangible personal
7 4 property without liability for the tax if such property will
7 5 be used in the performance of the construction contract and a
7 6 purchasing agent authorization letter and an exemption
7 7 certificate, issued by the designated exempt entity, are
7 8 presented to the retailer. The sales price of building
7 9 materials, supplies, or equipment is exempt from tax by this
7 10 subsection only to the extent the building materials,
7 11 supplies, or equipment are completely consumed in the
7 12 performance of the construction contract with the designated
7 13 exempt entity.

7 14 Sec. 18. Section 423.41, Code 2007, is amended to read as
7 15 follows:
7 16 423.41 BOOKS == EXAMINATION.
7 17 Every retailer required or authorized to collect taxes
7 18 imposed by this chapter and every person using in this state
7 19 tangible personal property, services, or the product of
7 20 services shall keep records, receipts, invoices, and other
7 21 pertinent papers as the director shall require, in the form
7 22 that the director shall require, for as long as the director
7 23 has the authority to examine and determine tax due. The
7 24 director or any duly authorized agent of the department may
7 25 examine the books, papers, records, and equipment of any
7 26 person either selling tangible personal property or services
7 27 or liable for the tax imposed by this chapter, and investigate
7 28 the character of the business of any person in order to verify
7 29 the accuracy of any return made, or if a return was not made
7 30 by the person, ascertain and determine the amount due under
7 31 this chapter. These books, papers, and records shall be made
7 32 available within this state for examination upon reasonable
7 33 notice when the director deems it advisable and so orders. If
7 34 the taxpayer maintains any records in an electronic format,
7 35 the taxpayer shall comply with reasonable requests by the



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8 1 director or the director's authorized agents to provide those
8 2 electronic records in a standard record format. The preceding
8 3 requirements shall likewise apply to users and persons
8 4 furnishing services enumerated in section 423.2.

8 5 Sec. 19. Section 423A.4, unnumbered paragraph 3, Code
8 6 2007, is amended to read as follows:

8 7 A local hotel and motel tax shall be imposed on January 1
8 8 or July 1, following the notification of the director of
8 9 revenue. Once imposed, the tax shall remain in effect at the
8 10 rate imposed for a minimum of one year. A local hotel and
8 11 motel tax shall terminate only on June 30 or December 31. At
8 12 least forty-five days prior to the tax being effective or
8 13 prior to a revision in the tax rate, or prior to the repeal of
8 14 the tax, a city or county shall provide notice by mail of such
8 15 action to the director of revenue. The director shall have
8 16 the authority to waive the notice requirement.

8 17 Sec. 20. Section 423B.1, subsection 6, paragraph b, Code
8 18 2007, is amended to read as follows:

8 19 b. Within ten days of the election at which a majority of
8 20 those voting on the question favors the imposition, repeal, or
8 21 change in the rate of a local option tax, the county auditor
8 22 shall give written notice of the result of the election by
8 23 sending a copy of the abstract of the votes from the favorable
8 24 election to the director of revenue or, in the case of a local
8 25 vehicle tax, to the director of the department of
8 26 transportation. The appropriate director shall have the
8 27 authority to waive the notice requirement.

8 28 Sec. 21. Section 423E.2, subsection 5, paragraph b, Code
8 29 2007, is amended to read as follows:

8 30 b. Within ten days of the election at which a majority of
8 31 those voting on the question favors the imposition, repeal,
8 32 extension, or change in the rate of the tax, the county
8 33 auditor shall give written notice of the result of the
8 34 election by sending a copy of the abstract of the votes from
8 35 the favorable election to the director of revenue. Election
9 1 costs shall be apportioned among school districts within the
9 2 county on a pro rata basis in proportion to the number of
9 3 registered voters in each school district who reside within
9 4 the county and the total number of registered voters within
9 5 the county. The director shall have the authority to waive
9 6 the notice requirement.

9 7 DIVISION II
9 8 CIGARETTES AND TOBACCO

9 9 Sec. 22. Section 421B.3, Code 2007, is amended by adding
9 10 the following new subsection:

9 11 NEW SUBSECTION. 3. a. The following civil penalties
9 12 shall be imposed for a violation of this section:

9 13 (1) A two hundred dollar penalty for the first violation.

9 14 (2) A five hundred dollar penalty for a second violation
9 15 within three years of the first violation.

9 16 (3) A thousand dollar penalty for a third or subsequent
9 17 violation within three years of the first violation.

9 18 Each day the violation occurs counts as a new violation for
9 19 purposes of this subsection.

9 20 b. The civil penalty imposed under this subsection is in
9 21 addition to the penalty imposed under subsection 1. Penalties



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9 22 collected under this subsection shall be deposited into the
9 23 general fund of the state.

9 24 Sec. 23. Section 453A.7, unnumbered paragraph 2, Code
9 25 2007, is amended to read as follows:

9 26 There is appropriated annually from the ~~general fund of the~~
~~9 27 state the sum of one hundred fifteen thousand dollars state~~
9 28 treasury from funds not otherwise appropriated an amount
9 29 sufficient to carry out the provisions of this section.

9 30 Sec. 24. Section 453A.13, subsections 5 and 9, Code 2007,
9 31 are amended to read as follows:

9 32 5. APPLICATION == BOND. ~~Said permits~~ Permits shall be
9 33 issued only upon applications accompanied by the fee indicated
9 34 above, and by an adequate bond as provided in section 453A.14,
9 35 and upon forms furnished by the department upon written



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10 1 request. The failure to furnish such forms shall be no excuse
10 2 for the failure to file the ~~same~~ forms unless absolute refusal
10 3 is shown. ~~Said~~ The forms shall set forth all of the
10 4 following:

10 5 a. The manner under which ~~such~~ the distributor,
10 6 wholesaler, or retailer, transacts or intends to transact such
10 7 business as a distributor, wholesaler, or retailer.

10 8 b. The principal office, residence, and place of business,
~~10 9 for which~~ where the permit is to apply.

10 10 c. If the applicant is not an individual, the principal
10 11 officers or members ~~thereof, not to exceed three,~~ and their
10 12 addresses.

10 13 d. ~~Such~~ Any other information as the director shall by
10 14 rules prescribe.

10 15 9. PERMIT == FORM AND CONTENTS. Each permit issued shall
10 16 describe clearly the place of business for which it is issued,
10 17 shall be nonassignable, consecutively numbered, designating
10 18 the kind of permit, and shall authorize the sale of cigarettes
10 19 in this state subject to the limitations and restrictions
10 20 herein contained. The retail permits shall be upon forms
10 21 furnished by the department or on forms made available or
10 22 approved by the department.

10 23 Sec. 25. Section 453A.13, Code 2007, is amended by adding
10 24 the following new subsection:

10 25 NEW SUBSECTION. 10. PERMIT DISPLAYED. The permit shall,
10 26 at all times, be publicly displayed by the distributor,
10 27 wholesaler, or retailer at the place of business so as to be
10 28 easily seen by the public and the persons authorized to
10 29 inspect the place of business. The proprietor or keeper of
10 30 any building or place where cigarettes and other tobacco
10 31 products are kept for sale, or with intent to sell, shall upon
10 32 request of any agent of the department or any peace officer
10 33 exhibit the permit. A refusal or failure to exhibit the
10 34 permit is prima facie evidence that the cigarettes or other
10 35 tobacco products are kept for sale or with intent to sell in



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11 1 violation of this division.

11 2 Sec. 26. Section 453A.15, subsection 2, Code 2007, is
11 3 amended to read as follows:

11 4 2. Where a state permit holder sells cigarettes at retail,
11 5 the holder shall be required to ~~issue an invoice to the~~
~~11 6 holder's retail department for~~ maintain detailed records for
11 7 sales of cigarettes to be sold at retail and ~~such the~~
11 8 cigarette ~~invoices~~ sales records shall be kept separate and
11 9 apart.

11 10 Sec. 27. Section 453A.15, Code 2007, is amended by adding
11 11 the following new subsection:

11 12 NEW SUBSECTION. 7. The director may require by rule that
11 13 reports required to be made under this division be filed by
11 14 electronic transmission.

11 15 Sec. 28. Section 453A.18, Code 2007, is amended to read as
11 16 follows:

11 17 453A.18 FORMS FOR RECORDS AND REPORTS.

11 18 The department shall furnish or make available in
11 19 electronic form, without charge, to holders of the various
11 20 permits, forms in sufficient quantities to enable permit
11 21 holders to make the reports required to be made under this
11 22 division. The permit holders shall furnish at their own
11 23 expense the books, records, and invoices, required to be used
11 24 and kept, but the books, records, and invoices shall be in
11 25 exact conformity to the forms prescribed for that purpose by
11 26 the director, and shall be kept and used in the manner
11 27 prescribed by the director. However, the director may, by
11 28 express order in certain cases, authorize permit holders to
11 29 keep their records in a manner and upon forms other than those
11 30 so prescribed. The authorization may be revoked at any time.

11 31 Sec. 29. Section 453A.24, Code 2007, is amended to read as
11 32 follows:

11 33 453A.24 CARRIER TO PERMIT ACCESS TO RECORDS.

11 34 1. Every common carrier or person in this state having
11 35 custody of books or records showing the transportation of



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12 1 cigarettes both interstate and intrastate shall give and allow
12 2 the department free access to ~~such~~ those books and records.

12 3 2. The director may require by rule that common carriers
12 4 or the appropriate persons provide monthly reports to the
12 5 department detailing all information the department deems
12 6 necessary on shipments into and out of Iowa of cigarettes and
12 7 tobacco products as set forth in divisions I and II of this
12 8 chapter. The director may require by rule that the reports be
12 9 filed by electronic transmission.

12 10 Sec. 30. Section 453A.25, subsection 3, Code 2007, is
12 11 amended to read as follows:

12 12 ~~3. The director is hereby authorized to appoint an~~
12 13 ~~assistant, whose sole duty it shall be~~ may designate employees
12 14 to administer and enforce the provisions of this chapter,
12 15 including the collection of all taxes provided for ~~herein in~~
12 16 this chapter. In ~~such~~ the enforcement, the director may
12 17 request aid from the attorney general, the special agents of
12 18 the state, any county attorney, or any peace officer. The
12 19 director ~~is authorized to~~ may appoint ~~such~~ clerks and
12 20 additional help as may be needed to ~~carry out the provisions~~
12 21 ~~of~~ administer this chapter.

12 22 Sec. 31. Section 453A.30, Code 2007, is amended to read as
12 23 follows:

12 24 453A.30 ASSESSMENT OF COST OF AUDIT.

12 25 The department may employ auditors or other persons to
12 26 audit and examine the books and records of any permit holder
12 27 or other person dealing in cigarettes to ascertain whether
12 28 ~~such~~ the permit holder or other person has paid the amount of
12 29 the taxes required to be paid by the holder or person or filed
12 30 all reports containing all required information as specified
12 31 by the department under the provisions of this chapter. If
12 32 such taxes have not been paid or such reports not filed, as
12 33 required, the department shall assess against ~~such~~ the permit
12 34 holder or other person, as additional penalty, the reasonable
12 35 expenses and costs of ~~such~~ the investigation and audit.



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13 1 Sec. 32. Section 453A.31, Code 2007, is amended by adding
13 2 the following new unnumbered paragraph:
13 3 NEW UNNUMBERED PARAGRAPH. If a cigarette distributor fails
13 4 to file a return or to report timely, stamps shall not be
13 5 provided to that cigarette distributor until all returns and
13 6 reports are filed properly and all tax, penalties, and
13 7 interest are paid.
13 8 Sec. 33. Section 453A.32, Code 2007, is amended by adding
13 9 the following new subsection:
13 10 NEW SUBSECTION. 6. The provisions of this section
13 11 applying to cigarettes shall also apply to tobacco products
13 12 taxed under division II of this chapter.
13 13 Sec. 34. Section 453A.36, subsection 6, Code 2007, is
13 14 amended to read as follows:
13 15 6. Any sales of cigarettes or tobacco products made
13 16 through a cigarette vending machine are subject to rules and
13 17 penalties relative to retail sales of cigarettes and tobacco
13 18 products provided for in this chapter. ~~No cigarettes shall~~
13 19 Cigarettes shall not be sold through any cigarette vending
13 20 machine unless the cigarettes have been properly stamped or
13 21 metered as provided by this division, and in case of violation
13 22 of this provision, the permit of the dealer authorizing retail
13 23 sales of cigarettes shall be ~~cancelled~~ revoked. Payment of the
13 24 ~~license~~ permit fee as provided in section 453A.13 authorizes a
13 25 cigarette vendor to sell cigarettes or tobacco products
13 26 through vending machines. However, cigarettes or tobacco
13 27 products shall not be sold through a vending machine unless
13 28 the vending machine is located in a place where the retailer
13 29 ensures that no person younger than eighteen years of age is
13 30 present or permitted to enter at any time. This section does
13 31 not require a retail ~~licensee~~ permit holder to buy a cigarette
13 32 vendor's permit if the retail ~~licensee~~ permit holder is in
13 33 fact the owner of the cigarette vending machines and the
13 34 machines are operated in the location described in the retail
13 35 permit.



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14 1 Sec. 35. Section 453A.40, subsection 1, Code 2007, is
14 2 amended to read as follows:

14 3 1. All persons required to ~~be licensed~~ hold a
14 4 distributor's permit, wholesaler's permit, or retailer's
14 5 permit under section 453A.13 ~~as distributors~~ having in their
14 6 possession and held for resale on the effective date of an
14 7 increase in the tax rate cigarettes or little cigars upon
14 8 which the tax under section 453A.6 or 453A.43 has been paid,
14 9 unused cigarette tax stamps which have been paid for under
14 10 section 453A.8, or unused metered imprints which have been
14 11 paid for under section 453A.12 shall be subject to an
14 12 inventory tax on the items as provided in this section.

14 13 Sec. 36. Section 453A.45, subsection 5, unnumbered
14 14 paragraphs 2 and 4, Code 2007, are amended to read as follows:

14 15 ~~Such~~ The report shall be made on forms provided by the
14 16 director ~~or the director may require by rule that the report~~
14 17 be filed by electronic transmission.

14 18 Any person who fails or refuses to transmit to the director
14 19 the required reports or whoever refuses to permit the
14 20 examination of the records by the director shall be guilty of
14 21 a ~~simple~~ serious misdemeanor.

14 22 Sec. 37. Section 453A.46, subsections 1 and 3, Code 2007,
14 23 are amended to read as follows:

14 24 1. On or before the twentieth day of each calendar month
14 25 every distributor with a place of business in this state shall
14 26 file a return with the director showing for the preceding
14 27 calendar month the quantity and wholesale sales price of each
14 28 tobacco product brought, or caused to be brought, into this
14 29 state for sale; ~~and~~ made, manufactured, or fabricated in this
14 30 state for sale in this state, ~~during the preceding calendar~~
14 31 ~~month~~; and any other information the director may require.
14 32 Every licensed distributor outside this state shall in like
14 33 manner file a return with the director showing for the
14 34 preceding calendar month the quantity and wholesale sales
14 35 price of each tobacco product shipped or transported to



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15 1 retailers in this state to be sold by those retailers, ~~during~~
~~15 2 the preceding calendar month and any other information the~~
15 3 director may require. Returns shall be made upon forms
15 4 furnished or made available in electronic form and prescribed
15 5 by the director and shall contain other information as the
15 6 director may require. Each return shall be accompanied by a
15 7 remittance for the full tax liability shown on the return,
15 8 less a discount as fixed by the director not to exceed five
15 9 percent of the tax. Within three years after the return is
15 10 filed or within three years after the return became due,
15 11 whichever is later, the department shall examine it, determine
15 12 the correct amount of tax, and assess the tax against the
15 13 taxpayer for any deficiency. The period for examination and
15 14 determination of the correct amount of tax is unlimited in the
15 15 case of a false or fraudulent return made with the intent to
15 16 evade tax, or in the case of a failure to file a return.
15 17 The three-year ~~period of~~ limitation period may be extended
15 18 by a taxpayer by signing a waiver agreement form ~~to be~~
15 19 provided by the department. The agreement must stipulate the
15 20 ~~period of~~ extension period and the tax period to which the
15 21 extension applies. The agreement must also ~~provide~~ stipulate
15 22 that a claim for refund may be filed by the taxpayer at any
15 23 time during the ~~period of~~ extension period.
15 24 3. In addition to the tax or additional tax, the taxpayer
15 25 shall also pay a penalty as provided in section 421.27 and be
15 26 subject to the civil penalties set forth in sections 421.27;
15 27 453A.31, subsection 2; and 453A.50, subsection 3, as
15 28 applicable.
15 29 Sec. 38. Section 453A.46, Code 2007, is amended by adding
15 30 the following new subsection:
15 31 NEW SUBSECTION. 7. The director may require by rule that
15 32 reports be filed by electronic transmission.
15 33 Sec. 39. Section 453A.50, subsection 2, Code 2007, is
15 34 amended to read as follows:
15 35 2. ~~Any~~ Except as otherwise provided, any person who



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16 1 otherwise violates any provisions of this division shall be
16 2 guilty of a simple misdemeanor.

16 3 Sec. 40. Section 453A.50, Code 2007, is amended by adding
16 4 the following new subsection:

16 5 NEW SUBSECTION. 3. The following civil penalties shall be
16 6 imposed for a violation of this division:

16 7 a. A two hundred dollar penalty for the first violation.

16 8 b. A five hundred dollar penalty for a second violation
16 9 within three years of the first violation.

16 10 c. A thousand dollar penalty for a third or subsequent
16 11 violation within three years of the first violation.

16 12 The penalty imposed in this subsection is in addition to
16 13 the tax, penalty, and interest imposed in other sections of
16 14 this division. Each day a violation occurs counts as a new
16 15 violation for purposes of this subsection.

16 16 Sec. 41. NEW SECTION. 453A.51 ASSESSMENT OF COST OF
16 17 AUDIT.

16 18 The department may employ auditors or other persons to
16 19 audit and examine the books and records of a permit holder or
16 20 other person dealing in tobacco products to ascertain whether
16 21 the permit holder or other person has paid the amount of the
16 22 taxes required to be paid by the permit holder or other person
16 23 under the provisions of this chapter. If the taxes have not
16 24 been paid, as required, the department shall assess against
16 25 the permit holder or other person, as additional penalty, the
16 26 reasonable expenses and costs of the investigation and audit.

16 27 EXPLANATION

16 28 DIVISION I == TAX ADMINISTRATION. Code sections 15E.44,
16 29 subsection 1, and 15E.45, subsection 3, are amended to
16 30 eliminate the requirement that tax identification numbers of
16 31 investors (social security numbers) must be provided at the
16 32 time that a qualifying business or community-based seed
16 33 capital fund submits an application to the Iowa capital
16 34 investment board. The tax identification numbers are provided
16 35 at the time that the investors apply for a tax credit



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17 1 certificate.

17 2 Code section 421.26 is amended to require cigarette permit
17 3 holders to be personally liable for unpaid cigarette taxes.
17 4 This requirement is the same as presently exists for
17 5 licensees, retailers, purchasers, users, and permit holders
17 6 for other taxes.

17 7 Code section 421.27, subsections 1 and 2, are amended to
17 8 allow a penalty waiver which reflects a legislative change
17 9 made to correct an inconsistent time frame for filing
17 10 disclaimers by the beneficiary of an estate refusing to take
17 11 the property.

17 12 Code section 422.7, subsection 32, is amended to provide
17 13 that withdrawals from the Iowa educational savings plan trust
17 14 that are not used for qualified education expenses must be
17 15 added back on the Iowa individual income tax return to the
17 16 extent that a deduction for a contribution was previously
17 17 allowed.

17 18 Code section 422.11S, subsections 6 and 7, are amended to
17 19 change the deadlines for certified enrollment and notification
17 20 requirements for the school tuition organization tax credit to
17 21 be consistent with the notification requirements of Code
17 22 section 257.6 relating to the school aid formula.

17 23 Code section 422.12E is amended to state that the director
17 24 will determine which checkoffs will be included on the
17 25 individual income tax form in situations where additional
17 26 checkoffs in excess of the number allowed are enacted on the
17 27 same day.

17 28 Code section 422.13, subsection 5, is amended to allow
17 29 nonresident trusts and estates that are members of
17 30 partnerships, limited liability, trusts, or S corporations to
17 31 be included on an Iowa composite return.

17 32 Code section 422.35, subsection 17, is amended to correct
17 33 the reference to federal taxable income for the deduction
17 34 allowed for the social security credit for corporation income
17 35 tax.



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18 1 Code section 422.73, subsection 3, adopted as part of 2006
18 2 Iowa Acts, House File 2351, is repealed. Because any capital
18 3 or ordinary gain from the involuntary conversion relating to
18 4 eminent domain is exempt from Iowa individual or corporation
18 5 income tax, there is no need to file a claim for refund
18 6 relating to the repurchase of property when tax was not paid
18 7 on the gain in the initial instance.

18 8 Code section 422.75 is amended to update current reporting
18 9 requirements related to the annual report filed by the
18 10 department.

18 11 Code section 423.2, subsection 6, is amended to require
18 12 financial institutions unregulated by federal or Iowa
18 13 authorities to pay sales tax on service charges if they are
18 14 doing business in Iowa.

18 15 Code section 423.2 is amended to impose a sales tax on the
18 16 sale of audiovisual works, audio works, books, computer
18 17 software, and ring tones that are sold to an individual for
18 18 the individual's use and consumption. The tax is imposed on
18 19 these items when they are digitally or electronically
18 20 delivered to the individual. This proposal equalizes the sale
18 21 of these items between an Iowa retail business and an internet
18 22 business.

18 23 Code section 423.3, subsection 65, is amended to exempt
18 24 from sales tax charges paid for access to the internet by
18 25 means of any device and not solely by means of a computer
18 26 server.

18 27 Code section 423.3, subsection 80, is amended to exempt
18 28 from sales tax sales of building materials, supplies, or
18 29 equipment only to the extent those items are consumed in an
18 30 exempt construction project.

18 31 Code section 423.41 is amended to require a taxpayer
18 32 maintaining electronic records to provide those electronic
18 33 records relating to sales and use taxes to the director for
18 34 examination upon request.

18 35 Code sections 423A.4, 423B.1, subsection 6, and 423E.2,
19 1 subsection 5, are amended to grant the director the authority
19 2 to waive the requirement that a city or county notify the
19 3 director of the imposition, repeal, extension, or change in
19 4 the rate of the local option tax.

19 5 DIVISION II == CIGARETTE/TOBACCO TAXES. Code section
19 6 421B.3 is amended to impose civil penalties for the sale of
19 7 cigarettes below minimum price. These penalties are
19 8 consistent with those for violations of other cigarette and
19 9 tobacco tax laws and rules. The penalties are in addition to
19 10 other penalties for violating the chapter and moneys collected
19 11 are to be deposited into the state general fund.

19 12 Code section 453A.7 is amended to provide sufficient funds
19 13 for the department to purchase tax stamps for placement on
19 14 packages of cigarettes as evidence that the tax has been paid.

19 15 Code section 453A.13 is amended to require furnishing of
19 16 the names and addresses of all officers of the business
19 17 applying for a bond to obtain a cigarette permit. Code
19 18 section 453A.13 is further amended to permit the use of
19 19 cigarette retail permit forms approved by the department.

19 20 Code section 453A.13 is also amended to require the public
19 21 display of the permit at the place of business.



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19 22 Code section 453A.15, subsection 2, requires cigarette
19 23 permit holders to maintain separate records for cigarette
19 24 sales that are sold at wholesale and sold at retail from the
19 25 same location.

19 26 Code section 453A.15 is amended to require the permit
19 27 holder to maintain detailed records and to give the director
19 28 the authority to require that cigarette reports be filed by
19 29 electronic transmission.

19 30 Code section 453A.18 authorizes the department to furnish
19 31 permit holders with electronic forms in lieu of paper forms.

19 32 Code section 453A.24 is amended to require common carriers
19 33 or other persons to provide monthly reports to the department
19 34 by electronic transmission if the director requires by rule.

19 35 Code section 453A.25, subsection 3, is amended to delete



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20 1 the requirement that the director appoint a person whose only
20 2 responsibility is to administer cigarette and tobacco taxes.
20 3 Code section 453A.30 is amended to include the requirements
20 4 for the filing of cigarette reports the same as those for the
20 5 filing of cigarette returns relating to the cost of an audit.
20 6 Code section 453A.31 is amended to prohibit the sale of
20 7 cigarette stamps to distributors who do not file appropriate
20 8 returns or reports in a timely manner.
20 9 Code section 453A.32 is amended to make the cigarette
20 10 seizure provisions applicable to tobacco products.
20 11 Code section 453A.36, subsection 6, is amended to specify
20 12 that cigarette retailers receive a permit, not a license, to
20 13 do business in Iowa.
20 14 Code section 453A.40, subsection 1, is amended to impose
20 15 the cigarette inventory tax on distributors, wholesalers, and
20 16 retailers that hold permits to sell cigarettes.
20 17 Code section 453A.45, subsection 5, is amended to give the
20 18 director the authority to require by rule that tobacco
20 19 transportation reports be filed electronically and makes the
20 20 failure or refusal to file or allow the examination of the
20 21 required reports a serious misdemeanor rather than a simple
20 22 misdemeanor.
20 23 Code section 453A.46 is amended to give the director the
20 24 authority to require by rule any additional information that
20 25 should be included on a return, adds language to reference
20 26 civil penalties, and gives the director the authority to
20 27 require by rule that distributors file tobacco reports
20 28 electronically.
20 29 Code section 453A.50, subsection 2, is amended to specify
20 30 that unless otherwise stated, violations of the tobacco
20 31 products division are simple misdemeanors.
20 32 Code section 453A.50 is also amended to impose civil
20 33 penalties for violation of the tobacco tax laws and
20 34 regulations. These penalties are consistent with penalties
20 35 that are applicable to cigarettes.



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21 1 Code section 453A.51 is enacted to make tobacco products
21 2 tax enforcement provisions similar to cigarette tax
21 3 enforcement provisions related to the cost of an audit.
21 4 LSB 1264XD 82
21 5 mg:sc/je/5